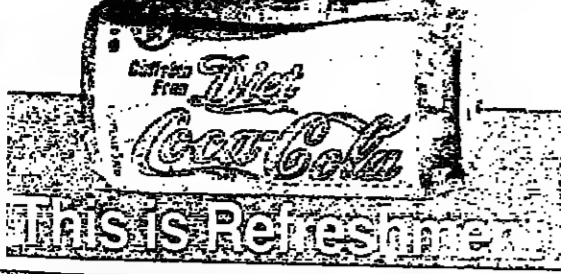


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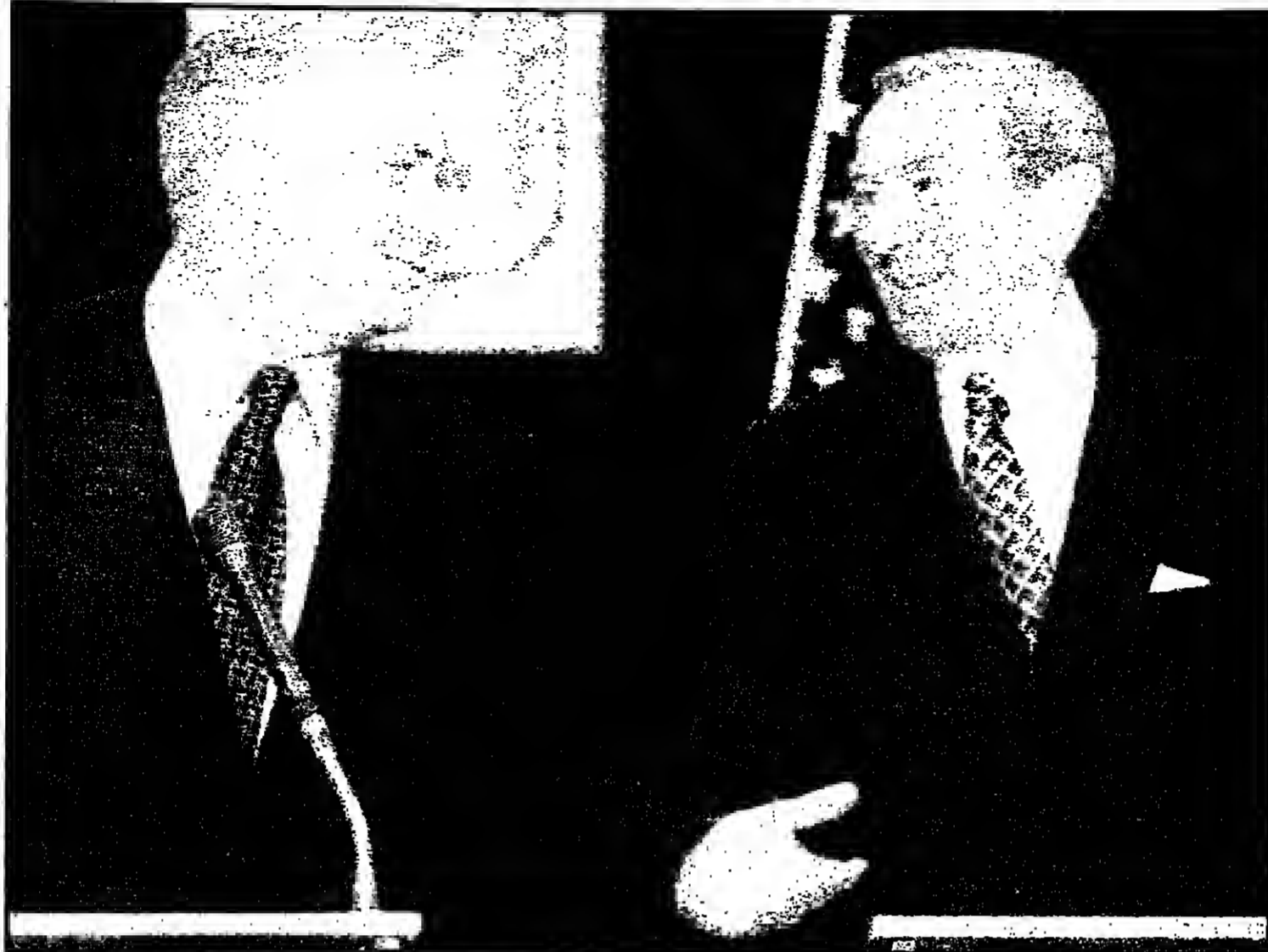
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INSIDE
EIGHT PAGES
FROM SUNDAY'S
The New York Times
WEEKLY REVIEW

Clinton, Dole in debate

US President Bill Clinton and Republican nominee Bob Dole arrived in Connecticut yesterday for their first presidential debate. The two were to meet last night at 3:00 a.m. Israel time for 90 minutes in Hartford's Bushnell Theater to answer questions posed by moderator Jim Lehrer of the Public Broadcasting Service. Full story, Page 4



PM Binyamin Netanyahu smiles at US Secretary of State Warren Christopher during yesterday's press conference in Jerusalem. (Reuters)

US-brokered Erez talks underway

ARIEH O'SULLIVAN

THE much publicized talks at the Erez checkpoint convened last night with the understanding that they will be virtually continuous until solutions are found. Both sides brought radically different agendas to the talks, with Israel focusing on the Hebron redeployment and adjustments to security arrangements, and the Palestinians aiming to implement the entire agreement without changes.

committee, after a difficult crisis which perhaps harmed the basis of the Oslo agreement and the peace process itself, and that is the base of faith and a sense of partnership. We will have to rehabilitate it through gestures of good will in order to renew this network of faith," said former chief of general staff Dan Shomron, head of the Israeli delegation.

"We intend to work at a hasty pace to reach an agreement in all these areas, so that we can continue with the Oslo agreement. Understandably, these committees have a need to see non-violence and reciprocity, so that the process can continue and solutions can be found," Shomron said.

serve the peace process and to give it every chance it deserves," Erekat said. "I know that Palestinians and Israelis will understand that we are able to put the peace process on track, when we start implementing the agreements on the ground."

Netanyahu seeks Hebron adjustments

LIAT COLLINS and news agencies

US Secretary of State Warren Christopher and Prime Minister Binyamin Netanyahu held a joint press conference yesterday afternoon, at which both talked of "adjustments" in the interim agreement with the Palestinians, while remaining within the framework of the overall agreement.

The two met in Jerusalem before the start of the talks with the Palestinians at the Erez checkpoint. They also held meetings with their expanded negotiating teams and separately.

Between meeting Netanyahu and traveling to the Gaza Strip later in the day to see Palestinian Authority Chairman Yasser Arafat, Christopher repeatedly stressed the urgency of reaching "concrete results as soon as possible."

"A context would be the existing agreements. The steps for implementation need to be taken within the four corners of the agreement. But it's a practical agreement which can take into account changed circumstances resulting from the tragic events of last week. I think the prime minister was clear with me that he wants to do things that are permitted by the agreement, that are consistent with the agreement, and that will be in the best interests of both parties," Netanyahu said.

"We did not propose opening the agreement. We suggested that, within the confines of the existing agreement, adjustments be made," he told the news conference.

"We're going to raise only those things that are truly intended to make the agreement work," Netanyahu said. "Especially those things we think are warranted by the events, the terrible events, of last week which cast a shadow of course which has to be dispelled."

In Gaza, Christopher picked up on this point. "One of the things that has been clarified during my visit here is that the parties intend to negotiate within the four corners of the agreement," he said. "They do not seek to modify."

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Asked if he was reassured by this, Arafat said: "We'll wait and see."

Palestinian chief negotiator Saeb Erekat said the Palestinians might seek international arbitration "if the Israelis come to tell us they want to change the agreement."

Arafat indicated in an interview with Palestinian television that he is not interested in changes. "We are asking for implementation, precise implementation," Arafat said.

Christopher said after meeting Arafat that the situation between Israel and the PA was still dangerous although tensions had eased.

"The situation has eased somewhat ... but it is still a dangerous situation," he said. "Chairman Arafat told me he was doing everything he could to ensure that

(Continued on Page 2)

Left, right reverse roles over boundaries of protest

HERB KEINON and SARAH HONIG

THE left and right exchanged angry recriminations over the boundaries of protest, and what constitutes incitement yesterday. It was a startling reversal of roles the two sides played over the last four years.

This time it was the left calling for "creative forms" of protest, and the right saying that this verges on "incitement." Up until the May elections, the right was calling for civil disobedience, and the left branding this incitement and even sedition.

The war of words was sparked by a document written by Meretz MK Dedi Zucker, and reported in Sunday's *Ha'aretz*, that called for more creative means of protest, arguing that the traditional large protests or vigils have lost their effectiveness.

Zucker said yesterday that he is not calling for mass civil disobedience, but for exactly the opposite of what Zo Artzenu did during the Labor government, including blocking major traffic arteries.

Zo Artzenu heads Shmuel Sackett and Moshe Feiglin are on trial for sedition for organizing these acts.

Zucker said his ideas are for "civil acts that do not harm anyone else."

Among the ideas are for university students and professors to strike and hold gatherings; for parents not to send their children to school for several days a week; for high school students to stop studies at noon and hold rallies outside their schools; and for drivers to stop their cars for a few minutes during key Knesset votes or critical cabinet sessions.

Asked whether this latter suggestion is not the same as blocking roads, Zucker said the idea is for the cars to pull off to the side of the road. And he said the striking professors would make up their classes the next day.

Regardless, Communications Minister Limor Livnat suggested that what Zucker proposed be sub-

mitted to Attorney-General Michael Ben-Yair for his scrutiny.

"What he proposed - regardless of whether or not he labels it civil disobedience - is civil disobedience. This is patently illegal and also constitutes severe incitement," she said.

Prime Minister Binyamin Netanyahu also joined the fray, telling the Likud Knesset faction that "despite what is sometimes reflected in the press, there is a far broader consensus among us. However, even the impression lent by certain people in the opposition can lead outsiders to assume that Israel will lead in to

pressure. The impression of polarization and deep splits invites greater pressure, while the impression of unity and resolve moderates the appetite to impose pressure, including pressure that is inherently illegitimate. I understand that parts of the opposition have a problem with the law, but the good of the nation must be kept in mind."

Zo Artzenu's Sackett said "the left has the full democratic right to protest using non-violent civil disobedience, and I am certain that if it does so, the protesters won't be beaten up nor indicted for sedition as we were."

Meanwhile, MK Uzi Landau, chairman of the Knesset Foreign Affairs and Defense Committee, charged that signs hoisted during the left's demonstration in Jerusalem on Saturday night reading: "The murderer won," and "Did you murder and also inherit?" (a quote from I Kings) constituted "outright incitement against the government and the prime minister, and this from people who claimed that it was the Likud's alleged incitement with resulted in the murder of Yitzhak Rabin."

Meretz leader Yossi Sarid, in a radio interview, responded to Landau, saying: "Even at the height of our concern and pain, I can promise that we will not call Netanyahu a traitor or murderer, will not dress him up in an SS uniform, and will not sentence him to *din rodef*. In our garden, there will not sprout a Yigal Amir."

"It would be better for Landau to deal with his garden. I suggest that Landau and his friends not prepare the ground for the next political murder, and be - as head of the Foreign Affairs and Defense Committee - knows that the target for the next murder is not someone from the right."

Michal Yudelman contributed to this report.

Labor: PM continuing incitement

PRIME Minister Binyamin Netanyahu is continuing to incite, as he did in the demonstration in Jerusalem's Zion Square a year ago, MK Dalia Itzik, the head of Labor's response team, said yesterday.

Itzik was referring to Netanyahu's statement to the Likud's Knesset faction members yesterday, in which he said that some of the opposition "apparently have a problem with the law," and that the opposition's statements may give the impression that Israel would give in to pressure.

Itzik said Netanyahu's attacks on the opposition are a "filthy attempt to cover up for his failures from the beginning of his term as prime minister."

Michal Yudelman

Bernstein winners

KELLEY Nassief, a 29-year-old American soprano and 34-year-old Romanian mezzo soprano Carmen Oprisanu last night were named winners of the Leonard Bernstein Jerusalem International Oratorio and Song Competition. Helen Kaye

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Mubarak warns against renegotiating agreement

CAIRO (Reuters) - Egyptian President Hosni Mubarak said yesterday that Israel's insistence on renegotiating issues it had agreed upon with Palestinians was dangerous and could throw the region into catastrophe.

But the Egyptian leader said in a television interview, just hours before Israel and the Palestinians were to resume peace talks in the Gaza Strip, that he hoped the two sides could find a way to implement their peace agreements.

The Gaza talks, with the participation of US Middle East envoy Dennis Ross, center on Israeli redeployment from Hebron delayed since March by Islamic suicide bombings that killed 59 people and by Israeli security concerns.

"There are agreements that were signed with the late prime minister Yitzhak Rabin and Shimon Peres. Netanyahu came along and does not want to implement them. He says he wants to implement them and that he is committed but until now there is nothing," Mubarak said.

"He says let's start negotiations. But negotiations on what? I know that the talks that should start are those on the final status of the issue but redeployment from Hebron has already been talked about and finished in difficult negotiations and they reached agreement and even the means to implement them.

"The principle of renegotiation is a dangerous one. These are agreements that are internationally recognized that were signed here in Egypt and in the United States. One must respect them or there will be a catastrophe," Mubarak added.

Mubarak boycotted the Washington summit which led to the Erez talks because of what he called Israel's intransigence and its poor treatment of Palestinians.

Mubarak said the Washington talks - deemed a failure by Palestinians, Arabs and most Europeans - could have achieved more if Netanyahu had been more flexible.

"If he [Netanyahu] had more political flexibility they would have been able to achieve more than they did in Washington."



An IDF chaplain and a soldier gather up holy books that were burned during the recent attack on Joseph's Tomb in Nablus. (IDF Spokesman)

Syria urges Arab states to halt normalization with Israel

DAMASCUS - Syrian Defense Minister Mustafa Tlas yesterday warned that there was a real threat to the region's stability because of Prime Minister Benjamin Netanyahu's policies.

Speaking at the anniversary of the Yom Kippur War, Tlas accused Israel of blocking the peace process and urged Arab states to halt all forms of normalization with Israel.

"Netanyahu has been beating the drums of war...and what is happening in the region warns of a real threat to the peace process and

stability in the region," Tlas told the ruling party newspaper *al-Baath*.

"If Netanyahu implements his threats and carries out a military adventure, he will, for sure, regret because Israel will pay heavy losses that it can not bear," he said.

He said that Netanyahu's refusal to return the Golan Heights made it impossible for peace talks to be held.

Tlas said war broke out in 1973 with Israel because the situation

between Israel and its Arab neighbors was unclear.

"The October war was a necessary and correct option after the situation of 'no war, no peace' which the Zionist enemy tried to impose on Arabs," Tlas said.

"Arabs are able to overcome their differences and implement options that would enable them to face dangers and challenges to return their rights," he said.

Syria, he said, remained committed to the principle of land-for-peace as the basis for an Arab-Israeli peaceful settlement.

PM denies deadline for negotiations

NO target date has been fixed for the conclusion of talks with the Palestinian Authority, Prime Minister Binyamin Netanyahu told members of the Likud Knesset faction yesterday.

The talks "will end when the security of the Jews in Hebron and the safe access to Jewish holy places in the city will have been achieved," he said.

Netanyahu stressed that "contrary to some reports, no deadlines have been fixed for the talks," which will concentrate "on redeployment in Hebron in light of the new situation

and on general security arrangements, not only for Hebron but pertaining to all agreements with the PA, in light of the massive fire by the Palestinian Police against Israeli soldiers and civilians."

So far as Hebron is concerned, he went on, "we are focusing on two objectives: the safeguarding of the oldest Jewish community in the world and of the holy places which are among the most sacred to Jews the world over."

Our intention, he said "is sincerely to move ahead in the negotiations... We are not kidding ourselves. This will not be a simple and uncomplicated negotiating process... The other side must honor the agreements, live up to its side of the bargain, and help implement security arrangements."

What occurred recently, he said, was "a basic violation of the accords, which must be corrected. It is impossible to imagine progress without the necessary corrections and arrangements to prevent a recurrence."

NEWS IN BRIEF

Former cop indicted for bribe-taking
Tel Aviv District Court indicted a former Petah Tikva police intelligence officer yesterday on counts of disrupting an investigation and accepting bribes from a brothel owner. Yehezkiel Yezumba, according to the charge sheet, received sexual favors and other bribes from brothel owner Yehiel Shohad.

A publication ban on the case was lifted yesterday with the indictment of both Yezumba and Shohad, who was charged with giving bribes. According to the indictment, Shohad bought Yezumba household items in return for police information, and paid him off with sexual favors granted by his employee prostitutes.

The pair deny all charges. *Raine Marcus*

Missing cabbie found in coffee shop
Rehovot cabbie Dror Pollack, 48, who was reported missing on Saturday morning, was found yesterday evening in an Eilat coffee shop. His car was found earlier in the day.

Pollack had reportedly told one of the workers in the coffee shop that he had come to Eilat to commit suicide. The worker then called the police. Pollack was found to have taken a large quantity of valium. He was also searched and a loaded gun was found in his possession. He was taken to a hospital in Eilat. *Itim*

Netanyahu says summit improved communication with Arafat

NEW YORK (Reuters) - Prime Minister Binyamin Netanyahu signed an interview published yesterday that PLO leader Yasser Arafat was charming, "but I wouldn't make too much of the personal thing between us."

Referring to an attempt by *Time* magazine, during the interview, to get him to say Arafat was "a nice guy," Netanyahu said, "You get him to say it about me and I'll say it about him."

Asked if his appreciation of Arafat had changed, Netanyahu said, "Well, you get to know somebody better, and you can judge intentions and personality better. The important thing is it improved the communication between us. (Nevertheless) inherently we represent different perspectives and different interests."

Settlers to support PM but protest redeployment in Hebron

A GROUP of settlement activists met in Hebron yesterday and decided that, for the time being, they will demonstrate in support of Prime Minister Binyamin Netanyahu, and against IDF redeployment in Hebron.

Last night, settler representatives were dispatched to Erez checkpoint to screen for journalists a video they made prior to the recent violence in which they predicted that Palestinians would open fire on soldiers and civilians.

David Wilder, a spokesman for the Hebron settlement, said that beyond this, a large demonstration in support of Hebron is planned within the next two weeks.

Meanwhile, Peace Now, which has organized numerous anti-government protests since the violence broke out in the territories two weeks ago, has planned a protest against the government's policies opposite the Knesset today, to coincide with the scheduled Knesset debate.

Regarding the right's protest, Wilder said the purpose is to make people aware that "we are expecting Netanyahu to live up to his promises, and not abandon Hebron," he said. "We support Netanyahu, and oppose plans the previous government made to remove the army from Hebron. No Palestinians should be armed in the city."

Wilder said that the Hebron/Kiryat Arba settlers are, at this time, not planning any drastic action. "We have had various plans sitting around for a couple of years, but with the changing times, the effectiveness of these plans has diminished."

Wilder confirmed that the plans no longer deal with the possibility of removing the Jews from Hebron, something which has currently dropped off the national agenda.

As far as what action they could take to prevent an IDF withdrawal, Wilder said: "An IDF pullout is almost impossible to combat. If the IDF decides to pull out, it will be very difficult to stop them."

"We will cross that bridge when we get to it, but now we are trying to ensure that we don't get to that bridge."

Meanwhile, Zo Artzenu, the group that was at the forefront of a civil disobedience campaign against the Labor government, will meet on Wednesday night to discuss plans for a campaign to get the prime minister to completely scratch the Oslo agreements, as well as establish a commission of inquiry into the violent events of a week ago, and into the whole Oslo process.

"We are trying to end the Oslo accords," said Shmuel Sackett, one of the group's leaders. "The only way is to prove, through a commission of inquiry, that the process is rotten, smells, is illegal, and will lead to the death of more Israelis."

Clinton hails resumption of Mideast talks

CHAUTAUQUA, New York (Reuters) - President Bill Clinton yesterday hailed the resumption of talks between Israeli and Palestinian negotiators and said the United States would do everything possible to help.

"The president calls on the parties to conduct these discussions in a spirit of partnership and goodwill in order that tangible results be achieved as soon as possible," the White House said in a statement.

"Israelis and Palestinians deserve to fulfill their aspirations for peace, security and prosperity," the White House said in the statement, which was released in the western New York town where Clinton was preparing for yesterday's debate with Republican presidential nominee Bob Dole.

"These talks are expected to continue until major outstanding issues are resolved," the White House said. "The United States will do everything possible to assist the parties to achieve early progress."

"[Secretary of State Warren] Christopher's meetings today with the Israeli and Palestinian leadership demonstrate the commitment of the United States to foster rapid, tangible progress toward lasting peace," it said.

Clinton also sent a cable to Prime Minister Yitzhak Rabin and Palestinian Authority Chairman Yasser Arafat, saying he believed the peace process could now progress, after the violence was halted and both sides expressed a willingness to return to the negotiating table.

Spring arrives to assert EU role in peace process

IRISH Foreign Minister Dick Spring arrived here yesterday to secure a role for the European Union in the peace process.

"The EU wants me to take a strong message to the Israelis and Palestinians that Europe wants to see the Middle East peace accords respected," Spring said on departure.

Spring, whose country holds the current EU presidency, met Prime Minister Binyamin Netanyahu and Foreign Minister David Levy upon his arrival last night.

Levy said after the meeting that he had told Spring that the success of the negotiations depends on maintaining security and preventing violence and incitement.

"I am happy that Mr. Spring said Europe has no intention of interfering, but rather intends to encourage the two sides to advance towards implementing agreements," he said. "Anyone who takes a stand against one side or the other is not contributing to advancing the process, and I am glad this was made unequivocally clear."

Spring, responding to Israeli and US concern about EU criticism of Israel, promised he would be even-handed, but said Netanyahu's government could make a gesture.

"I think there is plenty of room for initiative to be taken by the Israeli government," he told Irish

EREZ

(Continued from Page 1) to ease the closure. These included allowing 2,000 Palestinian laborers into the Erez industrial zone, and loosening the closure around Tulkarm.

The meeting took place on the Israeli side of the Erez checkpoint, which 10 days earlier was the scene of bloody gun battles between IDF troops and Palestinian Police.

The Israeli team was briefed by Prime Minister Binyamin Netanyahu, who instructed its members to tell their Palestinian counterparts that the gun battles which killed over 70 people, including 15 soldiers, created a totally new situation and that the Palestinians had to take this into account.

The negotiators were also instructed to re-tool the agreement to redeploy from Hebron, with demands to set up "demilitarized zones" in the city and IDF emplacements surrounding it, which would be able to give aid to Hebron's Jewish residents in an emergency.

The US was represented by special Middle East coordinator Dennis Ross, Consul-General in Jerusalem Edward Abingdon, and Ambassador Martin Indyk.

On the Israeli team were OC Planning Branch Maj.-Gen. Shaul Mofaz, and Maj.-Gen. Oren Shahor, coordinator for activities in the territories. Cabinet Secretary Danny Navet, Foreign Ministry representative Ya'acov Bardugo, and Brig.-Gen.

David Agmon, who represented the Defense Ministry, also participated.

The Palestinians included Palestinian Authority Minister for Civilian Affairs Jamil Tarifi and Jibril Rajoub, head of Palestinian Preventive Security on the West Bank.

The meeting was mainly a public relations event, with the real work set for today.

Two committees were formed, one to deal with Hebron, which will convene on the Palestinian side of the Erez checkpoint. The media will be barred from covering those talks. On Wednesday, a second committee dealing with civilian matters is to convene.

Both sides are seeking changes on the ground. The Palestinians want guarantees that Israel will not enter the autonomous West Bank cities, and promises of "safe-passage" roads linking them with the Gaza Strip. They also want complete control over the Dahaniya airport near Rafiah, but Israel wants to maintain overall security.

High on the agenda is Hebron. The Palestinians are seeking a date for the IDF withdrawal from Palestinian sections of the city, which according to the Oslo accords should have taken place last March. But the government says the agreement is fundamentally flawed. It wants to renegotiate security arrangements and ensure that Palestinian Police are not armed with assault rifles, but only with pistols.

HEBRON

(Continued from Page 1) ed a suggestion that Christopher's visit could be seen as US pressure.

"I think it's possible to achieve this in good faith, and I think it's possible to achieve it rapidly in good faith. But, of course, good faith is required by both sides. I assure you we bring it to our side of the table, and I'd like to believe the other side will act in the same way. And if that is the case, then we'll move speedily, but I'm not [stating] a date. I'm [stating] a conclusion," he said.

Christopher is scheduled to meet with Foreign Minister David Levy and President Ezer Weizman before leaving the region today. US peace negotiator Dennis Ross will remain in the area to monitor the developments.

October 7, 1996

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We announce with sorrow the passing of

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The funeral took place on Sunday, October 6, 1996.

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הלדא מן אלול

Restrained order against Clalit
Bezev cutting off service to...
Terror victim Shaare Zedek six months of...

Restraining order issued against Clalit strike

Peretz decides to intervene

JUDY SIEGEL

TEL Aviv Labor Court yesterday issued a restraining order against a strike by Kupat Holim Clalit's 5,000 maintenance and administrative workers, who had planned to hold a 24-hour warning strike starting at 7 a.m. The strike was to have instituted a reduced weekend schedule in all Clalit hospitals and community clinics.

Judge Rami Cohen said that participation in such a strike is forbidden and anyone who violates the order may find himself accused of contempt of court.

No union representative was present at the hearing, although they had been invited.

The union is upset about management's alleged decision to

replace the 300 logistics branch workers with employees supplied by an outside contractor. In addition, the union says hundreds of other external workers will be brought in through manpower agencies, and radiology and scanning services would be provided by institutes outside the health fund.

Histadrut chairman MK Amir Peretz decided yesterday to intervene personally in the dispute and invite Clalit management to respond to workers' complaints. In addition, the coordinating committee of the Histadrut's trade union department will meet urgent to discuss the "poor labor relations" in the health fund.

Criminal registry to exclude acquittals, cases closed without indictment

EVELYN GORDON

POLICE investigations which were closed without an indictment or which resulted in an acquittal will no longer be part of the criminal registry, but will be kept in a separate database under a different name, the state promised the High Court of Justice yesterday.

The court was hearing two petitions against the way the criminal registry is currently managed, by Pinhas Fishler, who was briefly Prime Minister Binyamin Netanyahu's bureau chief, and a man identified as A.A.

Fishler resigned due to press heat over his "criminal record," which consists of seven files that were all closed without an indictment.

Currently, the criminal registry lists not only everyone who has ever been convicted of a crime, but virtually everyone who has ever had a complaint filed against him. This includes people who were tried and acquitted, people with investigations or trials pending against them, people whose cases were closed due to lack of public interest, and people whose cases were closed due to insufficient evidence.

All this information is available to lists of people and institutions defined by law, though the lists are much longer for convicted criminals or people with pending cases than for people whose cases have

been closed. Information on the latter can be accessed only by the security services, the State Attorney's Office, and the state's criminal evaluation service.

Fishler and A.A. raised a variety of arguments — that the police should not be allowed to keep such records at all; that if it were allowed to keep them, it should not be allowed to show them to other government bodies; and that all lists except convictions should be kept separately from the criminal registry, since a "criminal record" stigmatizes the person in question.

In response, government attorney Shai Nitzan argued that these records were not only legal, but necessary. For instance, he said, the police might decide not to prosecute a one-time petty shoplifting case, but change its mind if the culprit committed several such crimes. It therefore needs the information on previous complaints.

Similarly, he said, a felony case would not be prosecuted if a key witness disappeared, leaving the state with insufficient evidence, but the security services might still want to approve the suspect for a highly sensitive position, and would therefore need this information.

Databases of acquittals are a special problem, because the law imposes no restric-

tions on the use of this information. Nitzan noted. However, he said, the police have decided not to keep records of complete acquittals at all, and the Justice Ministry is working on a bill to restrict information on acquittals due to reasonable doubt to the same three bodies allowed to access information on cases that were closed.

Justices Eliezer Goldberg, Theodor Orr, and Dalia Dornier agreed that the law clearly gives the police the right to both maintain most of these databases and to divulge the information to those organizations specified in the law. They also accepted the state's proposal on how to handle acquittals.

However, they agreed with the petitioners that there is no justification for someone who was acquitted or had a case closed for lack of evidence to be listed in the criminal registry, and the state promised that this information would from now on be kept in a separate database.

Nitzan also promised that the police would change the form letter it sends people against whom complaints are filed, so that it clearly specifies which database, if any, they appear in, and explains their right to appeal their inclusion to the head of the police investigations division.

Two outstanding questions remain, which the justices will rule on at a later date. One is whether the police have the right to keep lists of cases which were closed due to insufficient evidence, or only cases closed due to lack of public interest. The law is not explicit on this point, they said, and there are clear conflicting interests.

On the one hand, the "insufficient evidence" category includes many complaints that might be baseless, such as a complaint by an estranged spouse for which there is no supporting evidence in either direction. On the other hand, the police and security services clearly have an interest in a case closed because the key witness was murdered.

"You've presented the police's needs, and they are non-trivial," Goldberg told Nitzan. "But on the other hand, there are the individual's needs."

Another issue, the justices said, is whether a person should have the right to get a print-out of the information on him in police databases. Currently, he can see this information, but not receive a print-out.

Fishler said he is very happy with the results of the hearing so far, as he considers the separation of the two databases critical.

"What the press did to me for three months, saying Pinhas Fishler has a criminal record, was today proven to be not true," he said.

Bezeq denies cutting off Internet service to Palestinians

JUDY SIEGEL

BEZEQ yesterday denied claims by a Ramallah newspaper that it had "cut off" Internet lines to Judea and Samaria.

The newspaper, *El-Iyyam*, said disruptions in the lines began with the violence in the territories 10 days ago and have since deteriorated even more.

Palestinian Internet subscribers number several thousand and include Palestinian Authority institutions, civil rights groups and universities, as well as individual users.

Bezeq spokeswoman Ayala Bar, however, flatly rejected the story, saying Bezeq does not supply Internet services and thus cannot cut them off.

Access to the computer network is supplied by commercial firms, which use phone lines provided by Bezeq. The problem resulted from difficulties with a regular phone line belonging to an Internet supplier in eastern Jerusalem, Bezeq said.

Company technicians, accompanied by a Bezeq official in charge of northern Jerusalem, went to the site to fix the breakdown. Bezeq officials met with the director-general of the Planet Internet server company and offered backup lines in case of a breakdown.

Bezeq said that heavy Internet users should order special lines, as ordinary ones are not suited to transmit data at high speeds.



A policeman drags a demonstrator away from yesterday's Yesh Gvul protest at the exit to the Hasmonian Tunnel. (Reuters)

Police clear left-wing demonstrators from tunnel exit

BILL HUTMAN

SEVERAL dozen Yesh Gvul activists tried to stage a protest outside the new exit of the Hasmonian Tunnel yesterday, but were quickly dispersed by police. Four protesters were detained, and several lightly injured, police and group spokesmen said.

"The tunnel doesn't fall into our normal area of protest, but we thought what the government did was so stupid and detrimental to the peace process that we had to do something," said Yoav Ha'as, a Yesh Gvul leader.

Ha'as said the demonstration was not connected with the reported plans by left-wing groups to launch a civil disobedience campaign against the government. "What we did was independent of any other group," Ha'as said.

Fourteen members of Yesh Gvul, a group which calls on soldiers not to serve in the territories, walked through the tunnel, obtaining tickets as visitors, and

then met up with about 25 other members at the new Via Dolorosa tunnel exit, where they staged the protest.

"We were standing peacefully alongside the Via Dolorosa, not disturbing anyone, when the police demanded we leave," said Ha'as. Policemen dragged away several protesters who refused to leave, lightly injuring several, he said.

A police spokesman said the protesters were forcibly dispersed for holding an illegal demonstration.

NEWS IN BRIEF

Ashkelon man shot by 3-year-old son
An Ashkelon man was seriously wounded yesterday when he was shot by his three-year-old son, who started to play with the cocked pistol his father had left on the table. The man was taken to Barzilai Hospital. *Itim*

Security men suspected of shooting at a wall
Two men who work for a company which provides security on the new road from Jerusalem to Gush Etzion were arrested Saturday night on suspicion of causing panic by firing their weapons at a wall for their own amusement.

The two were arrested after a driver complained of hearing shots, and thought he was being fired upon. An investigation revealed that the two had fired their guns at a security wall in the area. They were released on bail, with police examining the possibility they may have been responsible for similar incidents over the past two weeks. *Itim*

Man held for robbing 10-year-old
A Nahariya resident, 41, was remanded for two days yesterday by the Haifa Magistrate's Court on suspicion of snatching a 10-year-old boy's piggy bank.

Police told the court that the suspect came to the boy's house and asked for a donation for a children's institution. The boy, whose parents were not home, went and got his piggy bank and came back to the door. The man then snatched the bank and fled. *Itim*

MDA cancels mobile ICU in Western Galilee
Magen David Adom is cancelling its mobile intensive care unit service in the Western Galilee today, due to NIS 800,000 in debts by the local authorities and Kupat Holim Clalit. The unit has been stationed in Karmiel.

According to MDA, the Nahariya Municipality owes NIS 335,000, the Acre Municipality NIS 163,000, and the health fund NIS 164,000. MDA said it appealed to the municipalities to pay their debts, but received no response. *Judy Siegel*

Terror victim thanks Shaare Zedek after six months of treatment

JUDY SIEGEL

A 20-YEAR-OLD soldier who was critically injured in the February 25th Jerusalem bus bombing appeared last night before Shaare Zedek Hospital supporters to thank them for saving her life.

Michal Halevy, hospitalized for three months in intensive care and now undergoing rehabilitation at the Jerusalem hospital, appeared at the Ot Hanagid award dinner in a wheelchair. But she noted that "this is a great improvement on my situation compared to the ... day I arrived" at the hospital unconscious and without any pulse or blood pressure.

Emergency room doctors who treated her said that several times they had to cancel orders for a bed in surgery as they didn't think she would survive a few minutes more. But she did.

"The close relationship between me and the staff still remains, and they call, come to visit me and are interested in my health today too," she said, voicing her appreciation for doctors at the intensive care unit and Shaare Zedek nurses who

cared for her. The Ot Hanagid award was presented to Weizmann Institute geneticist Prof. Leo Sachs for his outstanding contribution to the study of cancer.

The Shmuel & Pearl Lamm Gemilat Chesed Fund of Yeshiva University Israel Alumni
invites students, alumni, friends and visitors to Israel to a lecture entitled

Closed Minds and Open Hearts: Tolerance and Its Limits
to be given by

Rabbi Dr. Norman Lamm
President, Yeshiva University

at the
Jerusalem Renaissance Hotel, 6 Wolfson St., Jerusalem
on
Motza'ei Shabbat Bereshit, October 12, 1996, at 8:30 p.m.

The lecture will be in English.

For further details, call Rabbi Michael K. Strick
02-643 1688

Grandmother to swim Kinneret for charity

A GRANDMOTHER will soon attempt to swim across Lake Kinneret in an effort to raise money for the establishment of a home for autistic teenagers.

Hanna Loecher, 52, a Dutch-born Jerusalem mother of eight, says she will swim the 10-kilometer, four-hour route within two weeks. Her effort will be sponsored by companies and individuals around the world.

Loecher, who has been working for years with the disabled, is a former swimming instructor working, but she has never before swum so far in one go. She will be accompanied by a boat.

The home for autistic teens, which will be affiliated with Alut (the Israel Society for Autistic Children), is meant to care for those who are unable to function in their family environment. The home will enable the youngsters to remain part of their families, while benefiting from a structured environment.

Sponsors of her swim are asked to send their tax-deductible donations to POB 1371, Efrat 90435 or to the Alut/Jerusalem Hostel at 130 Elm Street, Woodmere, New York 11598, USA. Further information can be obtained from Zena Fruchter at (02) 9931992. *Judy Siegel*

Defense Ministry: Edri is MIA

DEFENSE Minister Yitzhak Mordechai met with the family of missing soldier Sharon Edri on Friday and told them that as far as the IDF and defense establishment are concerned, he is considered a missing soldier being kept against his will, unless proven otherwise.

The police spokesman said yesterday that there is nothing new in the investigation and that the police still think that Edri's disappearance is connected to a disagreement with his unit commander. *Arieh O'Sullivan*

Acre factory strike ends

DAVID RUDGE

WORKERS at the giant Electrochemical Industries factory south of Acre ended their 18-day strike yesterday after an agreement was signed with management over a recovery plan for the financially troubled firm.

Around 70 of the firm's 400 workers will leave the factory through early retirement or on agreed severance pay terms as part of the accord.

The remainder of the employees have also agreed to accept a pay cut to help the company compete and cope with the lower prices of PVC — the firm's main product — on international markets.

According to the workers, they will forgo premiums on their salaries in return for an increase in the hourly pay rate.

The company issued a statement yesterday saying the cutbacks would save the firm between \$8 to 10 million a year, with the exception of the first year when around half the expected savings would be needed to meet redundancy payments.

The firm also stressed that production would not be affected by the cutbacks in the work force, due primarily to the recent installation of new and more efficient production units.

Senior Vice President Zvika Greengold said the company's situation demanded "painful surgery." The firm lost NIS 15m. in the first half of the year, compared to a NIS 24.5m. profit in the same period last year, primarily as a result of a drop

in PVC prices from around \$1.100 per ton to less than \$700 a ton.

Greengold said he was optimistic that if management's recovery plan was fully implemented and all the financial goals were achieved, the firm would be able to successfully compete with its competitors on the PVC markets, despite the drop in prices.

According to both workers and management, yesterday's compromise agreement would enable the firm to stay in business and continue to be a leader in the market.

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About Face



Tension throughout the Mideast affected last week's meeting of Yasir Arafat, Benjamin Netanyahu, President Clinton and King Hussein.

Jose R. Lopez/The New York Times

Suddenly, a Mood of Danger in the Mideast

By DOUGLAS JEHL

THE grim expressions at the Middle East summit meeting in Washington last week were born not just of despair at the violence in the West Bank and Gaza that has intercepted the trajectory toward peace between Israel and the Palestinians. A broader uncertainty lurks this autumn — a sense that a region that a year ago seemed headed toward ineluctable peace might be on a track back toward war. For King Hussein of Jordan and President Hosni Mubarak of Egypt, the feeling is particularly stark. As champions of peace, they have tried to dampen Arab skepticism about Israel, assuring their citizens and their neighbors that it can be trusted. But the clashes and their aftermath have so in-

flamed older hatreds that even Mr. Mubarak found it prudent to stay away from Washington. To many Arab ears, leaders like President Hafez al-Assad of Syria, who has scorned what he calls others' imperfect peace, sound now like they have been speaking with wisdom. The shift in sentiment is not all that is worrisome. With the path toward peace apparently in stasis, at best, the build-up of elite Syrian troops near an Israeli post on Mount Hermon, in the Golan Heights, has multiplied the potential for trouble. The indecipherable motives of Iraq's Saddam Hussein have freshened the angst since the Iraqi leader baited the United States into launching cruise missile strikes that only Kuwait, among America's Arab allies, found it palatable to support. And now Turkey, whose Ottoman forebears occupied so much of this region, has become a new source of puzzlement and fury with its schizophrenic wobbles from a military agreement with Israel to closer ties with

More than the West Bank is in motion. Syria, Turkey and Iraq are on Arabs' minds too.

Iran and other Islamic states. Even before the latest plunge into violence, Richard N. Haass, the director of foreign policy studies at the Brookings Institution, wrote in the current issue of Foreign Affairs that peace in the Middle East could be thought of as "a stock whose price has soared: a correction is inevitable." After the failure of the meeting in Washington to produce more than the new round of talks between

Israel and the Palestinians that was scheduled to start today, there remain worries that this could turn into Black October. King Hussein, who was sanguine even after the election of Israel's conservative new Government last May, was plainly gloomy after he and President Clinton failed to persuade Prime Minister Benjamin Netanyahu to offer a clearer concession than hints that he might become more conciliatory. "The psychological moment when people begin to lose hope is close by," the King said in a television interview. For three years now, both the King and Mr. Mubarak, along with Yasir Arafat, the Palestinian leader, have relied on hope to prop up faith in peace agreements with Israel that have yet to produce many clear economic benefits. During the accord-a-year run from

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Thawing out the history of the Cold War.

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Golden Rule
Taking another look at Swiss dealings during World War II.

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Lessons of History
Afghanistan looks to the 19th Century.

By John F. Burns

3

Turned On by Politics

Meet Arizona's Happiest Taxpayers

By JAMES STERNGLD

WHAT'S surprising is not so much that this conservative law-and-order state seems to have legalized the sale of marijuana, but that it took even the most ardent of the state's pot smokers nearly a decade to figure it out. "When I first read the law I thought, O.K., I see this, but I didn't think you could really do it," Bill Green, an aerospace engineer, said while sharing a joint with several other marijuana enthusiasts in front of the copper-domed state Capitol on a recent afternoon. "I never had any idea I could buy a license and be a law-abiding citizen while I burned a joint. But I pay my marijuana tax now. I'm as legal as you get." A license to sell marijuana? In the middle of a war on drugs, when national leaders are debating how best to wipe out drug use and trafficking? It may sound like a Cheech and Chong episode, but Arizona has offered since 1983 a "Cannabis and Controlled Substances Dealer's License." The state insists the license is a law-enforcement tool, a way of hitting up dealers for unpaid taxes, but a number of smirking Arizonans, and at least one judge, disagree. A license, they say, is a license. The annual fee for this one is \$100, payable by check or money order to the Department of Revenue, License and Registration Section. The state also requires tax stamps (\$10 per ounce, or about 10 percent of the street price) that, as carefully explained in the statute, must be affixed to the bags of pot when they are sold. It asks that mailings specify whether the drug will be sold by the gram or the ounce. The state has even improved the stamps, which bear a handsome little cactus symbol, to satisfy users. "The old stamps just kind of fell off," explained Peter Wilson, the

chairman of the Arizona chapter of the National Organization for the Reform of Marijuana Laws, or NORML, a group promoting legalization. "So they redesigned them and put on a better adhesive." Mr. Wilson was cheerful in describing such details despite the fact that he was arrested last year for marijuana possession. His case has become the test for a law whose stated intent was to allow the state to grab the ill-gotten gains of drug dealers but has wandered off, like many things under the influence of marijuana, in a far different direction.

Shades of Gray

So far, at least, the license Mr. Wilson lawfully obtained has become a shield because he has persuaded a court — much to the shock and dismay of prosecutors — that the state could not have it both ways, making him pay for the privilege of dealing or possessing pot, and then arresting him for doing so. It is a standoff that the State Legislature has indirectly encouraged through inaction. Indeed, ever since the case popped up a year ago many legislators have seemed intent on running from the licensing issue with as much embarrassed haste as they can muster. While amusing in some ways, perhaps, Arizona's bizarre flirtation with what amounts to an ad hoc experiment in drug legalization demonstrates the rarely acknowledged shades of gray that underlie the battle over drugs, particularly in an election year when politicians, afraid of sounding soft on drugs, are presenting the issue in stark black and white. Surveys show that the vast majority of Americans support strict enforcement against the sale and use of harder drugs like methamphetamine and cocaine. But Arizona's situation and the state government's two-sided reaction to it — condemning marijuana use while doing nothing to change the licensing law — reflects the growing sense among Americans that mar-



Jeff Topping for The New York Times

rjuana is different from other drugs. A number of people seem to feel that pot, if not acceptable, does not rank as a threat with cocaine, heroin or even, some argue, alcohol, and that users ought to be left alone. Law-enforcement officials often describe marijuana as a "gateway" drug that appeals to teenagers and leads to harder drugs and ruined lives. But prominent people ranging from Vice President Al Gore to Representative Susan Molinari, the keynote speaker at the Republican convention, have admitted using — and then dropping — pot. Many states,

including New York and California, have virtually decriminalized possession of small amounts, and most people convicted of possession are given probation, even in this tough state.

A Tolerant Climate

Arizona's bill sets next month on a proposition, placed on the ballot through a petition drive, that would almost completely decriminalize marijuana possession, though it has been billed as a measure to make certain drugs available for medical purposes. Local, state and Federal officials

Under a 1983 law that has come back to haunt Arizona authorities, marijuana dealers can set up shop and apparently escape prosecution by buying a license and attaching tax stamps to bags of pot. The state has even redesigned the stamps to make them stickier.

have harshly condemned the initiative, but it is given a reasonable chance of passing. Those caught with modest amounts would face treatment and education, not prison, and most of those in prison now would be paroled — as long as they had not committed violent crimes.

California voters will also consider a proposition, though far narrower, that would legalize pot and some other drugs for medical treatments. W. Michael Walz, Mr. Wilson's lawyer, said he chose to focus on mari-

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The World

Thawing Out Cold War History

By JANE PERLEZ

WAS the Soviet Politburo determined to squash the 1956 Hungarian uprising right from the start? Did the broadcasters on the C.I.A.-financed Radio Free Europe exhortate Imre Nagy, Hungary's reform Communist leader? Did the Chinese encourage the Soviet Union to crack down on the Hungarians?

No to the first. Yes to the second. And maybe to the third. Until recently, many people believed the Hungarian revolt was a well-documented episode of the cold war. But now it is becoming clear that it is but one more example of how uneven our understanding has been and how much more history there is to be explained.

The Iron Vault Opens

In the last several years, the National Security Archive and the Cold War International History Project, two not-for-profit groups in Washington, have been pressing governments, from Japan to Guatemala to Romania, to open up their archives to historians.

But access to archives that were once behind the Iron Curtain does not always mean access to information. Some documents are missing. Some have been destroyed.

For instance, Prof. Andrzej Paczkowski of the Polish Academy of Sciences has found that the Communist leader Gen. Wojciech Jaruzelski, the man who introduced martial law to Poland in 1981, ordered the documents and tapes of the Polish Communist Party's Politburo meetings between 1982 and 1989 destroyed. Someone must have obeyed. The pages of the minutes have been torn and the tapes are nowhere to be found, Mr. Paczkowski said. That means that historians will have to fill in the gaps with interviews.

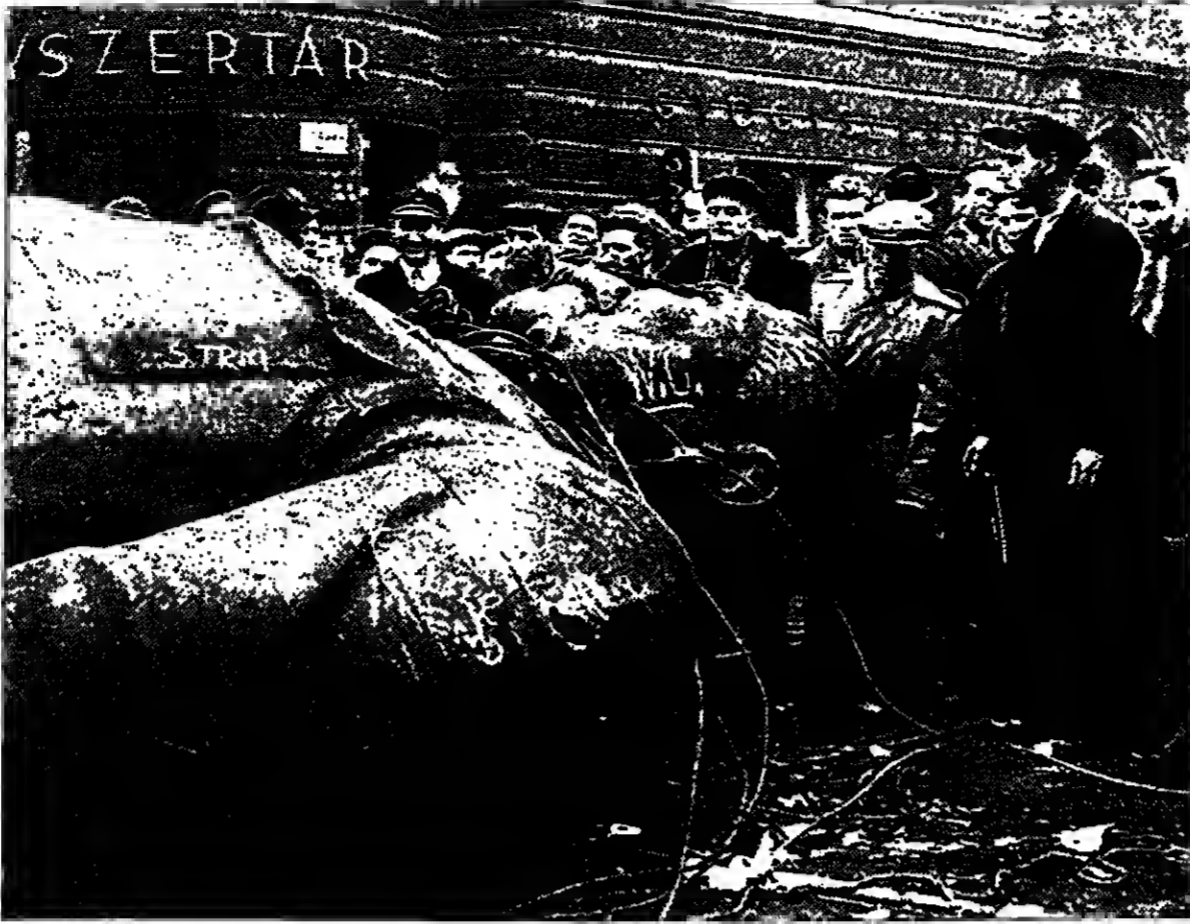
The same thing must be done by historians studying the Hungarian revolt of 1956. And so far, it seems to be yielding a lot. At a gathering last weekend of political scientists and Hungarians and Americans involved in the stormy events of 40 years ago, delicious and surprising new findings emerged. Archival materials, memories and notes hastily jotted down and stored in obscure places have started to fill in the cracks of that period.

The Hungarian uprising is turning out to be an even more disquieting event than historians thought.

During some dramatic moments at the conference in Budapest, Maria Witter, a Hungarian rebel who was imprisoned for 13 years, presented a paper of a fellow street fighter who happened to have written down some of the phrases used by Radio Free Europe to discredit Mr. Nagy in 1956.

On Oct. 30, four days before the revolt was crushed by Soviet tanks, one of the radio's commentators — all of them were Hungarian emigrés who had not been in their homeland for more than a decade — said, "Imre Nagy has not enough Hungarian blood to resign." On another occasion, the radio said Mr. Nagy "is not fit to govern."

At the same conference, John Matthews, who was a



Hungarians gaze at a toppled statue of Stalin during the 1956 uprising.

young American journalist working at Radio Free Europe in 1956, revealed that the political advisers at the radio said Cardinal Jozsef Mindszenty should rule Hungary. Mr. Matthews not only personally remembered such wild remarks but was able to support his memory with a discovery he made last year in a Prague attic, where the Radio Free Europe archives are now stored: he found a memorandum written by the political advisers of the Munich-based radio that supported Cardinal Mindszenty.

Khrushchev Wavering

Other, even more striking, discoveries came from handwritten minutes that were taken by V. N. Malin, a member of the Soviet Politburo, during the Hungarian crisis and declassified in Moscow last year. The notes suggest that Khrushchev was not at all sure he wanted to dislodge Mr. Nagy. He veered between letting the Hungarians handle the situation themselves and cracking down on them. Mr. Malin's notes also suggest that a delegation of Chinese Communist Party leaders, who were present at some of the Politburo deliberations in

Moscow, may have been a big factor in the Soviet Union's final decision to send in the tanks.

Chen Jian, an associate professor of history at Southern Illinois University, backs up this account. He said the memoirs of a Chinese Government interpreter show that Mao Zedong saw the Hungarian crisis as a fundamental threat: not so much as an anti-Soviet revolution but an anti-Communist one. Under Mao's instructions, the Chinese in Moscow told the Politburo that the rebellion should be crushed.

The disclosures about Hungary are emotional matters for Hungarians and for the cold warriors. But they also make for heady stuff for historians with works-in-progress. Prof. William Taubman of Amherst College, who has been researching and writing a Khrushchev biography for nearly 10 years, said the idea that the Soviet Union was wavering about Hungary on the eve of the crackdown raised tantalizing possibilities.

"The question is: Were Khrushchev and Molotov considering what Gorbachev allowed in 1989 — letting Hungary go — or was it just a crazed moment where they latched on to the possibility and then dropped it a few hours later?" Mr. Taubman said.

A Season Of Danger

Continued From Page 1

1993 to 1995, spirits soared along with the rhetoric of signing ceremonies each autumn. But for all the peace partners' proclamations, the darker suspicion lurking in many minds and articulated most forcefully by Mr. Assad is that haste has already led to historic mistakes.

And since the suicide bombings in Israel last February and March, followed by clashes between Israeli forces and Hezbollah guerrillas in southern Lebanon in April and then Mr. Netanyahu's election in May, the path toward peace has been left without momentum, opening the way to broader uneasiness.

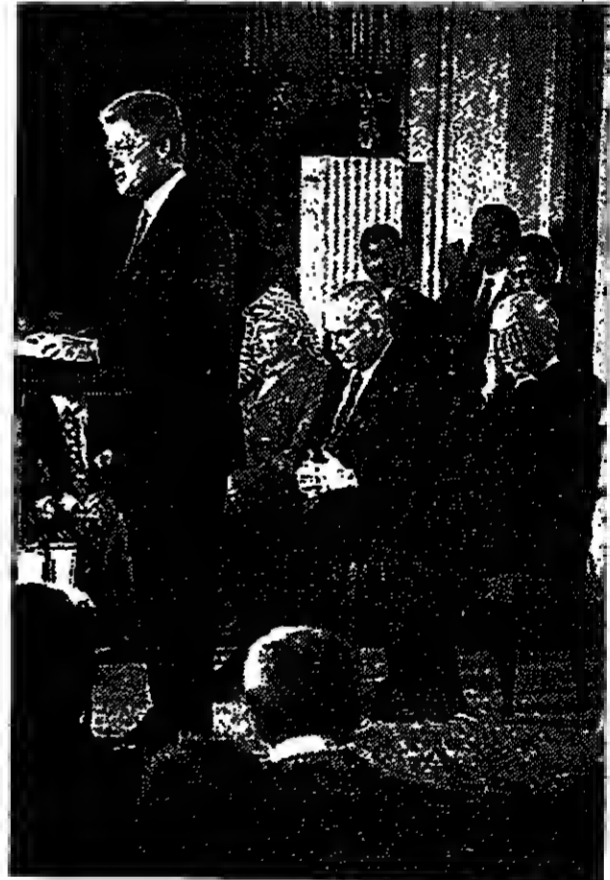
One fear that haunts Arab leaders is that Turkey, despite recent overtures to the Islamic world, has decided to align itself with Israel, having signed a military cooperation agreement last spring. On Friday, the country's Prime Minister, Necmettin Erbakan, head of an Islamic party, joined Mr. Mubarak in urging that Israel close the archaeological tunnel in Jerusalem whose opening ignited the recent violence, but there remains deep Arab concern that the pro-Western half of Turkey's divided Government would cast its lot with Israel in a crisis. Under the military agreement, Israel and Turkey can train in each others' airspace, and Syria in particular is worried that Israeli planes in Turkey could prestage a pincer attack.

Remembering 1973

That and other uneasiness has been reflected in Arab troop movements. Most alarming has been a shift of elite Syrian forces in Lebanon to positions that threaten an Israeli outpost on Mount Hermon, the strategic peak southwest of Damascus. Diplomats think it less likely that this is an intentional step toward conflict than a reminder to Israel by Syria of the danger of remaining in a no-war, no-peace situation. But along with massive military exercises by Egypt that included a simulated crossing of the Suez Canal, the provocative gesture has rekindled anxious memories of the October of 23 years ago, when Arabs and Israelis last waged all-out war.

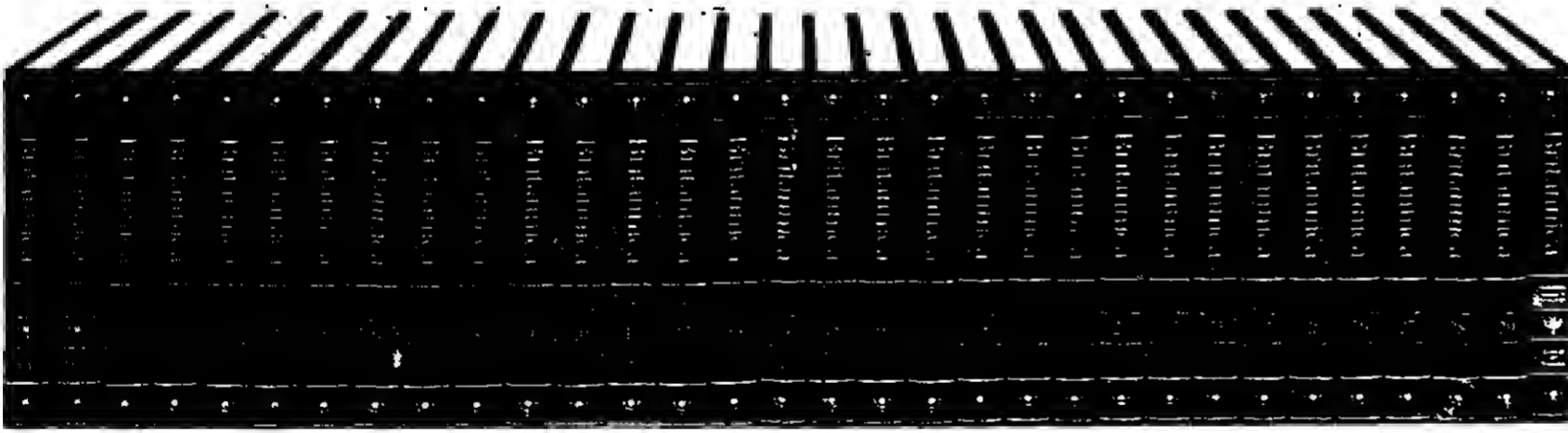
It was the Persian Gulf war of 1991, of course, that appeared to transform the troubled region by establishing the partnership between the United States and key Arab states that drove Iraq from Kuwait. But five years on, with Arabs growing weary of policies aimed at crippling the tenacious Iraqi regime, the latest flare-up between Washington and Baghdad exposed a widening rift. Forced to choose between pressure from the United States and public opinion at home, every Arab country except Kuwait showed its distaste for President Clinton's decision to resort to military action.

Urged last week by Mr. Clinton to attend the summit meeting in Washington, Mr. Mubarak faced a similar choice, and the fact that he said no underscores a widening Arab sense that this may be a season for new tactics. "One of our most potent weapons in confronting Israel is the weapon of rejection," the Egyptian commentator Assayed Zahra wrote, "and that is one that the Arab states have regrettably squandered."



In Washington: President Clinton; Yasir Arafat, the Palestinian leader; Prime Minister Benjamin Netanyahu of Israel, and King Hussein of Jordan.

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The Pentagon's Quark

WASHINGTON
Why does it take 5,000 troops to help 15,000 troops withdraw? The Pentagon found itself in the midst of a pre-election cow-flap last week when it announced that 5,000 more American troops were headed for Bosnia, just two and half months before the 15,000 American troops already there are supposed to come home.

Why so many? And why would some 3,000 American troops still be in Bosnia on March 1? Inquiring Republican senators wanted to know. Did this represent a not-very-subtle effort by the Administration to put a follow-on force into Bosnia without telling anyone?

Defense Secretary William J. Perry and Gen. John M. Shalikashvili, chairman of the Joint Chiefs, said no plot was intended.

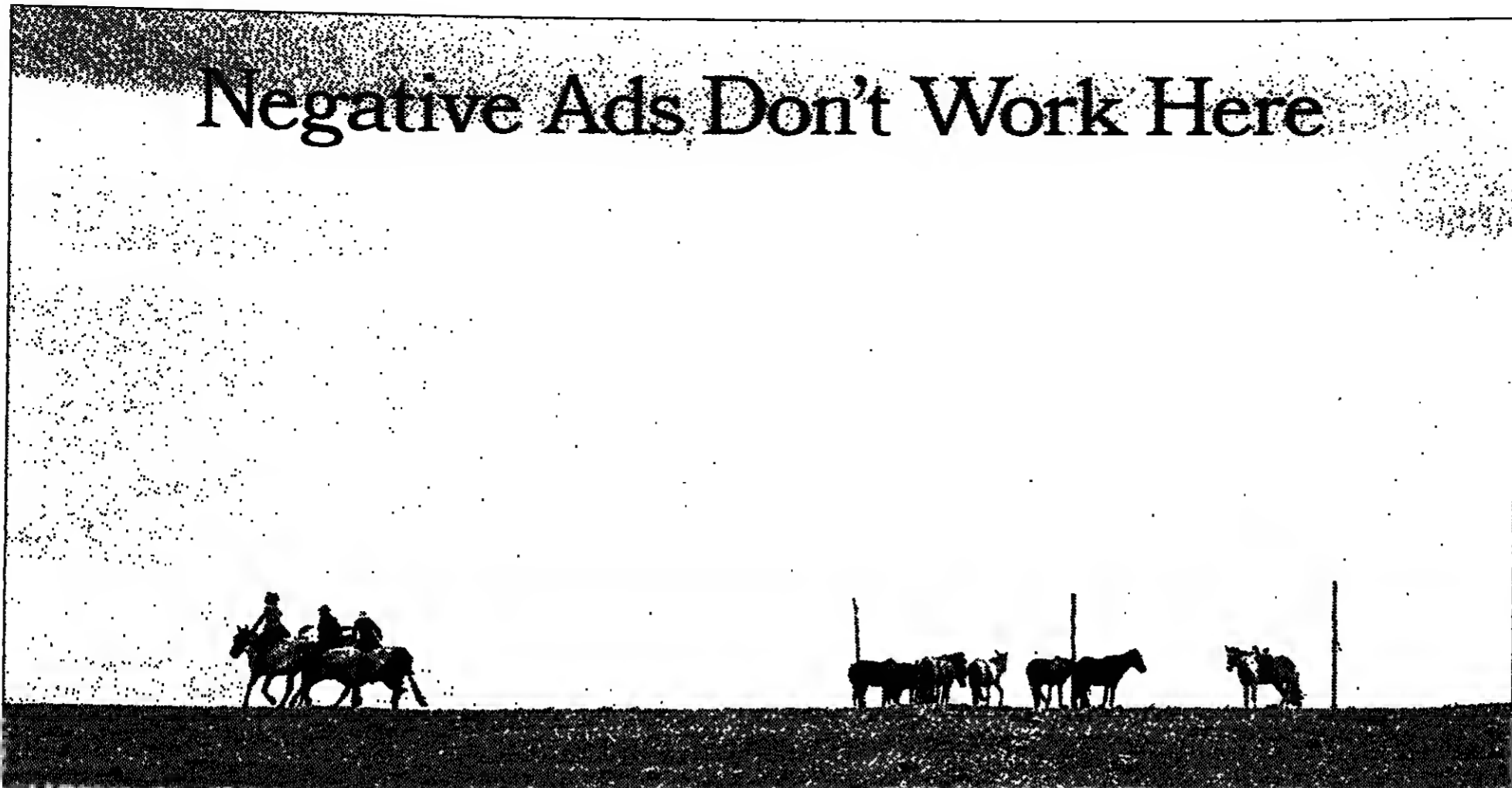
They said that if the Pentagon is to keep up its force strength in Bosnia through Dec. 20, while insuring that no soldier is there longer than 365 days, and protecting the people packing up all those bridges and tents in the usual wretched Bosnian winter, an infantry brigade of 5,000 is the bare minimum. One State Department official said 5,000 troops is the military's equivalent of the smallest subatomic particle, the quark: "Something smaller has yet to be discovered."

STEVEN ERLANGER

ماذا من الالاص

The World

Negative Ads Don't Work Here



Mongolia, which held elections last June, is a land of plains and animal herders. As the country prepared to vote, these horsewomen prepared to compete in a weeklong fair.

By SETH FAISON

DULAAN BAATAR, Mongolia EMOCRACY is still relatively new here in the land of grassy plains and animal herders, so it's full of surprises.

Like the results of this year's election. Virtually everyone here predicted an easy victory for the ruling party, a bunch of still-in-office Communists, when election day came on June 30. They were running against a young and disorganized batch of newcomers who, describing themselves as democrats, had little government experience and less expectation of getting any. The opposite happened.

The reason everyone was so off-base is another nice surprise, at least to anyone jaded by the over-analyzed Presidential contest going on now in the United States: Little polling was done, and the few polls that were conducted got little attention.

"Why look at a poll?" asked Delgermaa, a young woman who won a seat in Parliament (and who like many Mongolians uses only one name). "We all knew who was going to win. We were just wrong."

A larger surprise is that the transition has gone so smoothly. The ruling People's Revolutionary Party stepped aside gracefully, making way for the newly elected Democratic Union. The new Government has now drawn up a sweeping reform program, which was introduced to the new legislature last week.

Negative campaigning was a new bluish, but Americans sick of attack ads may be happy to know that here the technique mostly backfired. Delgermaa believes that a big reason she won was that her opponent accused her of giving away free flour and rice to voters. Never mind that Delgermaa admitted it was true. "Mongolians hate negative campaigning," she said. "They think it shows a weak spirit."

It is tempting to romanticize the democratic change under way. The new ministers and legislators, led by a 41-year-old Prime Minister, are young and idealistic and just plain enthusiastic about taking power. Their sense of excitement is as infectious as their plans are ambitious, and their political lingo sounds genuine and concerned with real problems.

Hard Realities

But that is mostly because Mongolia's problems are so very real: The old socialist way has collapsed, and the new market system still lacks capital and skills. Unemployment has hit nearly half the urban work force, inflation has eaten away at salaries and pensions, and packs of street children roam the streets to scavenge for food, even in the winter when the temperature gets stuck below zero.

Even in such economic straits, the transition to democracy that began in 1990 has gone remarkably well, as the easy transfer of power last summer suggests.

Effecting change is doubtless easier in a country as modest as Mongolia — just 2.4

million people live here, roughly the population of Brooklyn — than in a larger nation with a more complex society. "It's a small place," said Werner Prohl, a German who works in Ulaan Baatar for the Konrad Adenauer Foundation, a nonprofit group supporting research and democratic change. "It's really a few hundred people who matter in this country. If there is any scheming, everyone knows about it right away."

Yet Mongolia's experience plainly counters the argument, often voiced in the Far East, that democracy has no place in a developing country or in an Asian nation with "values" based on centuries of autocratic rule. Mongolian adults seemed fully capable of deciding who should govern them, and many rode by horseback for miles to vote. A full 98 percent of those registered to vote got to the polls.

"Asian people want democracy just like everyone else," Winston Lord, Assistant Secretary of State for Asia, said during a recent visit to the region. "What's happened in Mongolia shows that talk about how Asian values don't fit with democracy is simply untrue."

The Mongolian Government now attaches great importance to winning sympathy from, and improved relations with, the United States. Cut loose from Russia after decades of political subjugation and economic support, Mongolians worry about their portly neighbor to the south, China.

Living squeezed between two giants, Mongolians have often felt as though they had to side with one or the other. The Soviet Union may have dominated Mongolia, a

common refrain here goes, but China would simply consume it.

It is an understandable fear. In the broad swath of southern Mongolian plain that China has controlled since the 1940's, and renamed the Inner Mongolia Autonomous Region, there are now twice as many ethnic Chinese as Mongolians. Buddhist temples were demolished and monks purged for years before a semi-tolerant religious policy was adopted in 1979. Chinese is the language of instruction in schools.

It seems unlikely that Mongolia's new-found democracy will irritate China's leadership, which is careful to limit any discussion of democracy among its own people. Few people in China seem to be aware of the recent changes here, and the leaders in Beijing have not voiced any territorial claim to Mongolia.

China's Shadow

Yet there is always a danger of trouble along the long border between China and Mongolia, because Chinese authorities are highly sensitive about any nationalist or religious activism that might stir up unrest among ethnic Mongolians within China.

While Mongolia's Government will be careful to avoid offending China in any way, it is eager to have American friends.

"American support is critical, because we live between these two giants," said Bathuyag, a senior economic adviser to the Prime Minister. "We're very sensitive to that. We think that Americans can handle these guys better than anyone else."

A New 'Great Game'?

Afghanistan Reels Back Into View

By JOHN F. BURNS

IN the months before Afghanistan's new rulers marched him from a United Nations compound in Kabul and summarily beat, shot and banged him, Afghanistan's last Communist President, Najibullah, spent much of his time preparing a translation into Pashto, his native language, of a 1990 book about Afghanistan, "The Great Game," by the English writer Peter Hopkirk.

Mr. Najibullah told United Nations officials that he wanted Afghans to read the Hopkirk text because of what they would learn from it of the 19th-century struggle between imperial Britain and Imperial Russia for influence in Afghanistan.

"They can see how our history has repeated itself," he said. "Only if we understand our history can we take steps to break the cycle."

Mr. Najibullah, who in life served the K.G.B.'s efforts to eliminate opposition to Marxism, died a death as miserable as any his secret police meted out. But he might have taken some grudging satisfaction from the diplomatic flurry that has been stirred by the seizure of power in Kabul by the Taliban militia, a Muslim fundamentalist force that has done more to stir international interest in Afghanistan than anything since the Soviet invasion of 1979.

The concern has been as marked in Washington as anywhere. After Soviet troops withdrew in humiliation in 1989, and still more so after Moscow and Washington agreed in 1991 to halt arms supplies to the Najibullah Government and the American-backed Muslim guerrillas respectively, Afghanistan all but vanished from the American official consciousness.

Last week, after the Taliban formed a provisional government and began constructing their new state along strict Muslim fundamentalist lines — complete with the closing of girls' schools and beatings for improperly dressed women, as well as at least one public display of a man punished with amputation — nobody at Foggy Bottom

needed a map to find Kabul. The State Department spokesman, Nicholas Burns, said Washington would be sending diplomats there "within a few days" for formal contacts with the Taliban.

Meanwhile, Mr. Burns said, the United States urged all Afghans to "work for national reconciliation" and for "a government that can reunify the country and respect the rights of all Afghans." He voiced American concerns about the protection of human rights, "especially women's rights," but added, "We will have to judge them by their actions."

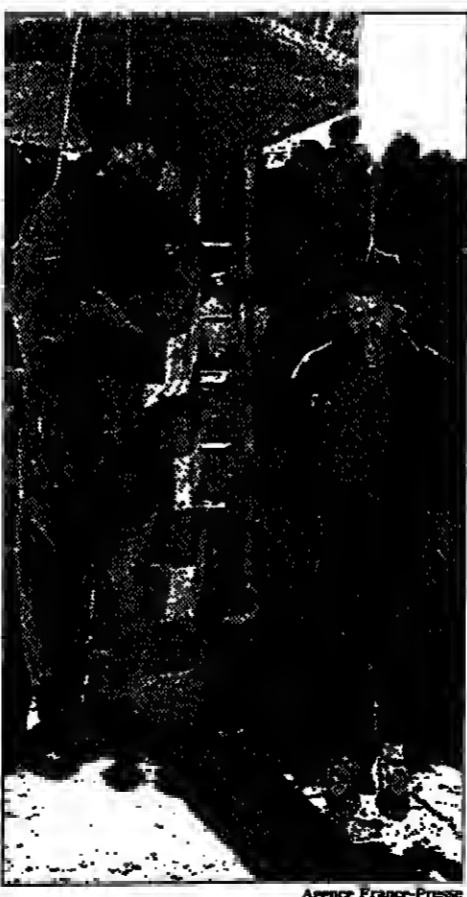
Suspicious About America

The statement did little to quell speculation in this region that the United States, for all of its qualms about Muslim fundamentalism elsewhere, was not altogether unhappy with the Taliban assumption of power. Some of the Taliban's fiercest critics, in Afghanistan and Iran, among other places, went further, and accused Washington of having conspired with Pakistan to arm, train and finance the Taliban.

Typically, such assertions, notably by pro-government newspapers in Teheran, offered no supporting evidence, beyond the presumption that Washington, spotting the enmity between the Shiite Muslims who rule in Teheran and the Sunni Muslims who predominate in the Taliban, would naturally have plumped for the Taliban.

There is logic in thinking that Washington will not be unhappy with the prospect of a government in Kabul that may limit Iranian influence in Central Asia, particularly since that government has unimpeachably Islamic credentials. And after the billions of American taxpayers' dollars that were funneled into the anti-Soviet struggle in the 1980's, only to have the enterprise degrade into a squalid civil war among the American-backed Muslim guerrilla groups, Washington cannot be unmoved by any hope for peace.

But American diplomats in the region are not rushing to embrace the Taliban, at least not yet. The litmus test, for this or any other Afghan government, is likely to be, first, the willingness of the Taliban to relax the harsh



The bodies of Najibullah, left, and his brother hang from a Kabul traffic post.

measures it has proclaimed to control women, including a ban on women working, and, second, the attitude of the rulers in Kabul on narcotics trafficking and international terrorism. In the Taliban's first foreign policy pronouncements, a senior official pledged that the Taliban would oppose terrorism and punish any would-be terrorists that come into its hands.

This, obliquely, seemed to be a response to previous American requests for help in closing down terrorist training bases that Ameri-

can intelligence believes have moved into Afghanistan from Pakistan, where the Afghan guerrilla struggle spawned a whole generation of Muslim militants fired by hatred for the United States. One of these was Ramzi Ahmed Yousef, recently convicted in New York of plotting to bomb 11 American airliners over the Pacific, and shortly to be tried for his role in planting the bomb that killed 6 people and left more than 1,000 injured in the World Trade Center in 1993. At least one terrorist camp has already been closed.

Tolerance of Drug Traffic

What is less certain is the Taliban's attitude toward narcotics trafficking. While the fundamentalists have said they will stone to death any drug trafficker, this seems in practice to mean that they will punish anyone selling drugs to Afghans, or consuming them in Afghanistan.

From watching the opium and heroin flow out of Afghanistan (at more than 2,000 tons of raw opium a year, production is second only to that in Burma, Laos and Thailand), Washington has concluded that the Taliban has followed the practice of other Afghan armed groups in tolerating, and sometimes even taxing, the traffic.

If Washington will be watching the Taliban closely, it will be no more hawk-eyed than Moscow. On the heels of brokering a peace deal that is extracting Russian troops from Chechnya, Aleksandr Lebed, the Russian national security adviser, seemed last week to switch his emphasis and return to the domino theory of Islamic fundamentalism popular among Russian nationalists.

"If the Taliban backed by Pakistan reaches the border with Tajikistan and Uzbekistan, including the city of Bokhara they want to annex, they will wipe away Russian border posts and see the road to the north free," he said.

If Mr. Najibullah were still alive, he would surely recognize in that the strongest echoes of The Great Game.

Self-Doubt At Last for The Swiss

By ALAN COWELL

THE sustaining myths of Switzerland suddenly seem as vulnerable as that apple on the young Tell's head.

With greater intensity than at any time in a half-century, Switzerland's seven million people are being pressed to look back at the moral ground on which their survival was built in the Second World War.

A wave of public reports based on newly released United States and British intelligence documents chronicling unsavory Swiss dealings with Nazi Germany has badly dented the nation's reputation for probity — the very stock-in-trade of its financiers.

The Inquiry Begins

In response, the Government has promised an inquiry by historians and jurists to study, over a leisurely five years, the whole gamut of Switzerland's dealings with the Third Reich, including the fate of accounts set up by Jews who later perished in the Holocaust and of gold looted by the Nazis and then sold to the Swiss National Bank.

But the reports evoke passions that run much deeper than the bank vaults under scrutiny, confronting the Swiss with one central question: Were they, or their forebears, the Holocaust's greatest profiteers, trading not just in stolen bullion but also in gold, jewelry, paintings and other assets belonging to Hitler's victims?

The answers lie partly in the hard-nosed survival instincts of an idiosyncratic confed-

The nation questions its own stories about what it did in the war.

eration of 26 cantons, each as jealous of its own individual powers as the whole country is of its independence and identity.

If the irredentist rules of the Balkans were to apply here, Switzerland would not exist. Of its four official languages — French, German, Italian and Romansch — three are those of more powerful neighbors encircling a tiny land with little more by way of natural resources than picture-postcard views and a talent for making noisy clocks, triangular chocolates and complicated penknives.

It is that perception of the small, independent-minded kid forced to live by wits alone on a block of bullies that colors so much of Swiss life. To this day, all Swiss men do compulsory service in the citizens' army, whose role is psychological more than strategic. That force is supposed to defend Switzerland's neutrality, the defining core of a nation that refuses to join the United Nations and whose citizens have formally rejected closer association with the rest of Europe.

"We live on this myth of neutrality," said Fritz Gysin, a professor of American Literature at Berne University, arguing that neutrality had always been defined as a strictly Western impartiality.

Indeed, the promise of Switzerland's immunity to the instabilities surrounding it has historically underpinned the idea that money in a Swiss bank is safe money. Even such leading Nazis as Hermann Göring banked in Switzerland. Adolf Hitler was said to have deposited royalties from "Mein Kampf" here — possibly another reason for the Nazis not to overrun a land that Allies and Axis alike wanted to maintain as a haven for secret dealings of all kinds.

But the concept of neutrality also underlies the current debate: What price did Switzerland pay for remaining aloof, and was it justified by the cost to others?

For Neutrality's Sake

The nation's wartime record toward the Jews, said Paul Rechsteiner, a Swiss legislator, belongs "to the darkest chapters of our recent history." Indeed, only last year did Switzerland formally apologize for its secret 1938 deal with the Nazis to prevent Jewish refugees from crossing its borders — an agreement struck in the name of neutrality.

The Swiss themselves survived World War II unscathed because of "economic factors, collaboration," said Mr. Gysin, and now, after years of studiously avoiding the issue, they have begun to contemplate their past "oot with guilt, but with unease."

"This could have been handled earlier with greater charm and delicacy," said Hans Bär of the Swiss Bankers Association, referring to the issue of Switzerland's long reluctance to probe too deeply into the value and whereabouts of accounts left by Holocaust victims.

But it is a peculiarly Swiss unease, rooted in a readiness for obfuscation and self-deception that Germany's Die Zeit newspaper described as "a master performance of myth-building, from William Tell to the Alpine redoubt to neutrality." And the historian Jacques Picard sees in the land's postwar mythology "the pattern of behavior that is found time and again in Swiss history."

The inquiry that Switzerland is promising may thus be no more than damage control to try to restore the respectability that underpins Switzerland as a leading financial center built on Europe's strongest currency. And where that bottom line is concerned, there is simply no room for band-wringing.

As Robert Vogler, a spokesman for Union Bank of Switzerland, the country's biggest, put it, "No one's closed their account yet."

Ideas & Trends

Your Guts on Candid Camera

By GINA KOLATA

It isn't exactly "E.R." But Dr. Glenn Deyo, a general surgeon in Tacoma, Wash., videotapes all of his laparoscopic surgery. And he tells his patients that if they'd like a tape of their operation, he'll make a copy for them.

Bringing lights and cameras in the operating room was almost unheard of until recently. But with the advent of laparoscopic surgery, it has become simple for doctors to videotape operations. The surgery involves cutting a tiny slit in a patient's body and inserting a laparoscope, a tiny device tipped with a miniature video camera that transmits color images of the inside of the body. The surgeon operates by watching a television screen that displays these images. To make a color video of the operation, all the doctor has to do is slip a blank tape into the recording machine.

Some doctors got the idea that offering patients movies of their surgeries would bolster confidence — after all, a doctor who is willing to film himself at work must be pretty darn confident. But others view a doctor's willingness to film his work as a sign of idiocy.

Richard Boone, a lawyer in McLean, Va., who defends doctors accused of medical malpractice, thinks Dr. Deyo and others like him are crazy. What if something goes wrong? he asks. What's going to happen in a malpractice suit when the injured patient comes in with a video of the botched surgery?

"Any physician who markets to patients that they will give them a video of the procedure is an idiot," Mr. Boone said.

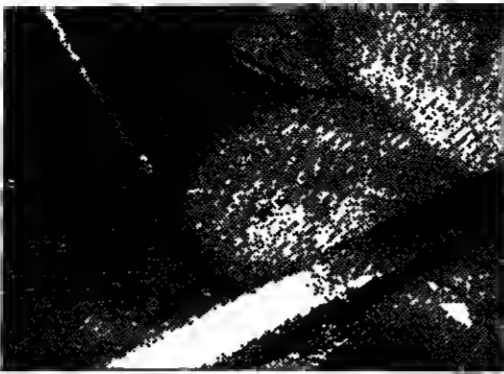
On the other hand, Patrick Malone, a Washington lawyer who represents patients in malpractice suits, said that, as far as he is concerned, the only argument for not taping is fear. And therein lies a simmering controversy behind the closed doors of surgeons' offices. Should doctors videotape at all and, if so, should they offer patients videotapes of their surgery? Is taping and giving patients copies inviting malpractice suits? Or is it good marketing?

Dr. Deyo said the tapes are invaluable in providing a record of what he did. "We like to have a record so we can go back and review them if a patient should have discomfort or complaints," he said.

But then again, Dr. Deyo has never been sued by a patient brandishing a video. Other doctors, who have, say, "Never again."

And their lawyers agree.

Defense lawyers say that if doctors insist on taping, they should, at the very least, tape everyone and keep all the tapes. If not, they open themselves to charges that the very tapes they did not keep were the incriminating ones. And for heaven's sake, the lawyers say, they



A videotaped view of abdominal surgery.

Surgeons who videotape their work are darned confident — or stupid.

shouldn't provide an audiotaped narrative as they go along. The last thing a doctor wants is to pick up the frantic comments in the operating room when a routine operation turns into a nightmare.

Laparoscopic Surgery Updates, a monthly newsletter read by surgeons and surgery department managers, recently featured the debate over video surgery.

"There are two camps," said Dr. Eric de Maria, who is the director of minimally invasive surgery at Virginia Commonwealth University's Medical College of Virginia. "One is surgeons who think that what happens in a procedure is either not of interest to patients or not appropriate for patients to view." These surgeons, he added, "have a lot of liability concerns."

"They don't want to hand an attorney what is essentially an eyewitness view of what happened in a procedure," he said.

On the other side, Dr. de Maria said, are doctors who think of the videos as "a marketing strategy for patients." Those doctors, he said, "feel that it actually enhances the trust between the doctor and the patient."

"Nothing is being concealed," he added.

Dr. de Maria said he himself straddles the line — he does not offer patients tapes but will provide them if asked.

What do patients think? Some like the idea of having videos of their surgery.

Dennis Heatherly, a 44-year-old registered nurse who lives in Gig Harbor, Wash., said he took home a tape of his operation, in which Dr. Deyo repaired a hernia and removed his gall bladder.

"This is quite marvelous, as far as I'm concerned," he said. It didn't make him queasy because he felt disconnected from the surgery as he watched it. "There's not any real realization that it's you," he said.

Joyce Peterson, a 65-year-old from Tacoma, who also was a patient of Dr. Deyo, said she has not yet steeled herself to watch the tape of her four-hour operation last April, to remove abdominal adhesions. But the fact that Dr. Deyo gave her the tape made her feel "more confident."

The surgeons themselves remain divided. Laparoscopic Surgery Updates told of a doctor who successfully defended himself with a videotape, proving to a jury that he had done nothing wrong in his operation on a woman with abdominal adhesions.

On the other hand, the newsletter also presented a surgeon, who asked not to be named, whose videotape was used against him in court. "The case was about the videotape," he said. "It centered on the videotape. I handled the case appropriately, and it didn't matter how many professionals said I did the right thing. You just had a bunch of laymen saying, 'Ooh, it's bleeding.'"

No Time for Fashion

As the Way of All Flesh Goes South

By CONSTANCE C. R. WHITE

WOMEN, particularly baby boomers whose acquisitiveness in the last two decades brought boom times to the fashion industry, are revising their values: they're not cutting them to fit this year's fashions.

This attitudinal shift is related largely to the changing bodies and psyches of baby boomers, who have been a significant part of the market. Women are investing less in clothes and more in the real fabric of their lives — children, health care, careers, vacations and financial security. The trend is also in part a reaction against a fashion industry that, in recent years, has become its own worst enemy, casting about with peculiar trends like grunge, transparent shirts and an endless parade of styles from decades past. Pants, a kind of white flag sent up by designers unable to fathom customers, are ubiquitous in fall catalogues and store advertising.

"The reason fashion missed the boat is that everything was too tight," said Carol Farmer, president of C. F. Associates, a trend research company in Boca Raton, Fla. "It was body-shaping fashion that was not respectful of a boomer body. What does the baby boomer want? Certainly not polyester doubleknit, the stuff we grew up in."

Comfort Over Style

As boomers have aged, spending on apparel has decreased and more goes to services, said economist Carl Steidtmann, in his recent report for Management Horizons, the research arm of Price Waterhouse L.L.P. Apparel spending peaked in 1978 with baby boomers between the ages of 15 and 24, he said. Those consumers are now 33 to 42.

In a 1994 survey by Management Horizons, which tracks buying patterns and shopping attitudes, consumers said they cared less about fashion and more about value than in the past. The study also found that consumer spending on apparel has fallen steadily for the last 16 years. Though some designers are adjusting by offering more relaxed, inexpensive clothes, and there has been a slight but uneven increase in sales since last year's dismal Christmas, demand overall is sluggish.

Giorgio Armani, profiled in New York magazine last month, declared fashion finished. The system, he said, had broken down. Mr. Armani is correct: Women no longer follow the dictates of designers or fashion editors, the traditional disseminators of the message.

But fashion magazines, bent on pushing never-rich, never-too-thin fantasy while readers have moved toward a relaxed reality, share some responsibility for women's lack of interest in fashion. The disconnect between editorial content and advertising, flights of fancy and the real world, is evident in most of the magazines.

What message was to be gleaned from the cover of the September issue of Vogue, with two models draped in semi-transparent, mustard-colored slip dresses? Inside editorial pages displayed expensive, overwrought concepts like matadors and bullfighting. Even when allowing for magazine-speak about playing to readers' aspirations, the images looked out of touch next to advertising showing the new, uncomplicated and moderately priced clothes available in stores.

Vogue's biggest September advertisers were fragrance and cosmetic companies like Revlon



This year's looks are passé to most American women, who are spending less on clothes.

and casual, less expensive clothing retailers like Lee Jeans and Tommy Hilfinger, which bought a record 22 pages. As for the top-of-the-line retailers, most put their money on accessories.

While fashion falters, other industries are capitalizing on women's mature shapes as well as their new mood. The travel business offers more adventure trips and family-oriented vacations. Women's participation in adventure travel rose from 54 percent in 1985 to 63 percent in 1995, according to Kathryn Cooney, president of Overseas Adventure Travel, a trade group based in Cambridge, Mass. At Woods Women Inc., a travel society in Minneapolis specializing in women's travel, participants have jumped from 400 in 1986 to 1,100 so far this year, said Denise Mitten, executive director.

Spas are marketing themselves as stress relievers rather than the weight-loss centers of a decade ago. Women's use of commercial gyms jumped 106 percent, to 3.6 million, between 1987 and 1995, according to the International Health, Racquet and Sportsclub Association.

Publishers are churning out "The Celestine Prophecy," "The Tenth Insight" and other books meant to help boomers olumb their spiritual depths. Car companies have introduced dozens

of sport utility vehicles in the last three years, the better for boomers to express their rugged individualism.

Even the number of nail salons nationwide has shot upward. Seven years ago 900 nail technicians were registered with the Korean Nail Salon Association in the New York, Westchester and Long Island area; today 6,000 are.

Dividing a Smaller Pie

As the many baby boomers turn 50 this year, biology is shaping women's response to fashion. Clothes that promote sexual attraction and reproduction are, it seems, fundamentally different from those suited to cooing and reaching maturity in a career or relationship.

A decade hence, a new wave of young people 15 to 24 years old — today's baby boomlet — may spark a surge of interest in fashion again, said Mr. Steidtmann of Management Horizons. Meanwhile, women's complacency, if not inertia, about fashion is likely to continue.

Women have not stopped buying clothes, but the industry will have to adjust to dividing a smaller pie as fashion moves to the outer nebulae of its customers' lives.

Happy Taxpayers In Arizona



For Peter Wilson, marijuana is "one of life's little pleasures." Deborah Pine had it prescribed by a Dutch doctor to help ease a muscle disorder.

Continued From Page 1

juana defendants because of this climate of tolerance. "It was easier to be successful in this area because jurors just aren't interested in convicting people on this stuff," he said.

Marijuana use is rising — many experts agree that the drug is one of the country's largest cash crops, with sales estimated at \$10 billion to \$40 billion a year — and public officials' public comments are generally as tough as ever. But as Mark A. R. Kleinman, a drug-policy expert at the University of California at Los Angeles, put it, "This issue does not have as much political salience as it used to because of the growing number of people who have used it."

Arizona law-enforcement officials insist that they are anything but indifferent, that marijuana is not legal and that dealers will be dealt with harshly. But Mr. Wilson's case has been allowed to slide for 14 months and the legislature has passed up an opportunity to straighten out the legal anomaly. A bill that would have repealed licensing passed a State Senate committee earlier this year but was killed. John Greece, the president of the Senate, dismissed it as "a stupid bill," adding that "it made lawmakers nervous to vote on it." Mr. Greene said that he felt the current law was fine and that the courts would eventually correct the inappropriate interpretation of the licensing statute.

"Doesn't that kind of tell you something?" asked Russel Lintecum, a poet, singer and Norml member, who was puffing happily in front of the Capitol and striking a conspiratorial note. "I mean, you tell me."

The issue arose in 1983, when the heavily Republican Arizona Legislature followed several other states and passed a marijuana tax law to give the courts another way of punishing dealers. The lawmakers added the licensing provision to create still another tool for snaring anyone caught with pot. At the time, some legislators questioned whether the law might be interpreted as a form of legalization. The questions were brushed aside, and Gov. Bruce Babbitt, now the Secretary of the Interior, signed the bill.

Blazing a Trail

The law was all but forgotten until 1990, when Mr. Green, an engineer at an Allied Signal plant and a regular pot smoker, tested positive in a company drug test. He was forced to undergo regular urine testing for the next two years, and got mad. "I felt I had to do something in retaliation, so I formed the Norml chapter here," he said, adding that for one of his first newsletters he examined the state's drug laws and stumbled on the licensing provision. He eventually bought a license and a sheet of stamps.

Mr. Wilson, who succeeded Mr. Green as head of the Norml chapter several years later and who also bought a license, said he was worried at the time that his high profile might make him the target of a police sting operation. But he was finally arrested by accident. His wife, who has since died, had an ailment that made her violent at times, Mr. Wilson said. Once, after he called the police to help subdue her, she blurted out that he was hiding pot. The police found a few

ounces, but returned the pot when Mr. Wilson showed them his license. Four days later he was arrested.

Mr. Walz, his lawyer, argued that the charges amounted to double jeopardy because the tax, which Mr. Wilson had paid, was punitive in itself. The county magistrate who handled the preliminary hearing agreed and the charges were dropped.

A Legal Hot Potato

The state appealed, and the case traveled to the State Superior Court, which passed it to the State Court of Appeals, which sent it back to the magistrate, who sent it back to the Superior Court. On Sept. 26 that court sent it back to the magistrate, rejecting the double jeopardy ruling.

But the magistrate, John R. Barclay, said that as far as he was concerned the case was closed and that he would throw it out again. "Anyone

A law-and-order state gives a green light to dealers.

with one neuron left of legal knowledge knows that if they want to try this case they will have to bring it to a grand jury or refile it," said Mr. Barclay, a Republican who insisted he was merely applying the statute.

What has been the effect of this odd experiment? An increasing number of high school students in Arizona admit using marijuana, but that is happening across the country, and there is little evidence that many students know about the licenses. Only 84 licenses have been issued this year, and the state has collected just \$413,400 in licensing fees and taxes in the law's 13-year existence.

For people like Deborah Pine, the license allows her peace of mind. Ms. Pine suffers from fibromyalgia syndrome, a potentially debilitating muscle disorder. She said the prescription drugs she had been taking had so many side effects that she often could not get out of bed. She turned to marijuana with reluctance, she said, but has found it extremely effective, allowing her to be an active mother for her two children. She keeps her pot in a pickle jar on her kitchen counter on which one of her daughters has written, "Mom's medicine."

Mr. Lintecum, the poet, who is a Vietnam veteran suffering post-trauma stress disorder, said he spent years on anti-depressants that left him in a vegetable-like state. "Marijuana gave me my life back," he said.

Mr. Wilson described his use as casual. "It's like chocolate," he said, "one of life's little pleasures."

Some marijuana advocates are even saying that the licensing, if publicized, could bring a tidal wave of tax revenue that would completely change the state's financial structure.

"Let me tell you, if that state went full-fledged into this and had a monopoly on legalized sales, I can assure they would realize incredible revenues," said Allen St. Pierre, Norml's deputy director in Washington. "It would be the richest, and the happiest state."

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In the Supreme Court, sitting as a Court of Civil Appeals, before the President Justice Aharon Barak and Justices Gavriel Boch, Eliezer Goldberg, Theodore Orr, Elyahu Mozza, Yo'acov Kedmi, Yitzhak Zamir, Tova Strassberg-Cohen, Dalia Dornier, Zevi Tal, and Ya'acov Tirkel, in the matter of Daniel Nahmani, appellant, versus Ruti Nahmani and others, respondents (F.H.[C] 2401/95, C.A.5587/93).

RUTI and Dani Nahmani married in 1984. Following an operation Ruti was unable to bear children, and they agreed to the process of fertilizing her ova with Dani's semen, and implanting the embryos in the womb of a surrogate mother.

In view of difficulties created by the Public Health Regulations (In Vitro Fertilization) of 1987, and following a petition to the Supreme Court (H.C.1237/91), the parties agreed to the fertilization being done in Israel, and the implantation in the surrogate institute in the US.

This arrangement, however, was not implemented, for in 1992 Dani left his home and went to live with another woman who bore him a daughter. Nevertheless, the Nahmanis are still married.

Ruti then requested the embryos from Assuta Hospital, where they were stored, for transmission to the surrogate institute in the US. Dani opposed her request, and the hospital refused. She then moved the Haifa District Court to order the hospital to comply. The court ruled in her favor, and Dani appealed to the Supreme Court.

The appeal was allowed (C.A.5587/93 -The Jerusalem Post of April 17, 1995). The former court president, Justice Meir Shamgar, then directed a rehearing before an enlarged panel on the ground that "the subject is novel and original, and undoubtedly of special importance in our sphere which adjusts itself to scientific and social change."

Justice Strassberg-Cohen, delivering the first judgment in the rehearing, adhered to her previous decision in Dani's favor. She rejected the criticism that the court had evaded the issue, and asserted that the decision allowing Dani's appeal was based on sound recognized legal principles. She also stressed that she was fully alive throughout to the human and emotional side of Ruti's predicament, but the court could not decide the issue on that basis.

Parentage was a basic freedom and privilege, and out an obligation. As the court would not order a person to marry, it would not order him or her to have children. Moreover, it did not involve only a monetary obligation, but imposed a primary duty, enforceable by both the civil and criminal law, to promote the child's welfare in all its aspects. The freedom to have or not to have children was that of both parents, and the court would not impose it on either of them.

ents' consent throughout the process created the equality basic to our legal system. As the woman had the right to terminate pregnancy, so had the man the right to refuse parentage.

Dealing with the contractual aspect of Dani's original consent, Justice Strassberg-Cohen emphasized the change of circumstances since then. He agreed there was a family unit. He and Ruti were living together, and they both wanted a child. Conditions had now changed radically. He had left his home, and was living with another woman who had borne him a child. There was no basis for finding that he agreed to the continuation of the process in all circumstances and under all conditions. His consent was necessary at every stage, and the entirely new situation certainly demanded his renewed consent to the process being continued.

She also noted, by way of analogy, that the law permitted a parent who had consented to the adoption of a child to withdraw his consent, if later circumstances justified that course.

She then referred to the law, and legal and medical opinions in other countries with a similar legal system, supporting her conclusion.

She also discussed the concepts of the "right to life" and "justice" considered by some of her colleagues, and also Ruti's expectations. However, she concluded, parentage could not be imposed on an unwilling man by judicial decree on the basis of any of those considerations.

Justice TAL again dissented from his colleague. As a man may not demand the termination of a pregnancy even if based on fraud and deceit, he said, so is he precluded from demanding the cessation of the fertilization and implantation process. Both cases involve intervention in a woman's body, desecrating her dignity and modesty, which the law will not recognize.

Since there were no statutory provisions governing the situation he would seek the solution in examining the conflicting interests involved, the legitimate expectations of the parties, and the appropriate judicial policy to be applied.

The conflicting interests were being, and not being, a parent. Parenthood was one of man's most basic goals, as the American Supreme Court had written, "one of the basic civil rights of man, fundamental to the very existence and survival of the race." The interest of not being a parent - or, rather, not being forced to be a parent - was based on privacy, a man's freedom to make his own intimate decisions. These two interests were not of even weight.

Moreover, this was not a case of force, for Dani agreed to the process, and his doing so once was

sufficient. It was also Ruti's last chance to become a parent.

In these circumstances the interest in favor of parenthood was clearly dominant. The Bible and our sages regarded deprivation of parenthood as loss of a person's soul. It was true an unwilling parent would have responsibilities but, onerous as they could be, they could not be compared with the loss of his soul.

The parties' expectations were always important in weighing "judicial legislation" when the court, in the absence of any Law



Ruti Nahmani and her lawyer just before the Supreme Court's decision. (Brian Hender)

governing the situation, had to find its own solution.

Ruti had had an operation, and had undergone a long and painful process, this being her last chance of motherhood. She had relied on his consent, and would surely not have followed this path had she anticipated that he could at any time capriciously change his mind and destroy her last spark of hope.

Dani had consented. Would he not have done so had he known that he would not be allowed to change his mind? This was difficult to assume. Husbands do not cease marital relations with their wives in case their opinion will not be considered regarding an abortion.

The parties, he continued, were entitled to equality before the law. Allowing one of them to withdraw his consent at any time on a whim would, in effect, give a power of veto over continuing the process. This result was clearly unacceptable.

Justice Tal held, therefore, that in the absence of a clear agreement to stop the process in the

LAW REPORT ASHER FELIX LANDAU

event of the couple separating, they must be presumed to have consented to its being continued to its conclusion.

Judicial policy, he said, supported continuing the process to its conclusion. Firstly, legal stability and certainty demanded that the parties' consent should be secured in as short a time as possible. Not only the parties were involved but also, among others, the medical

JUSTICE DORNER concurred with Justice Tal. She emphasized that in undergoing the operation referred to, and with Dani's full cooperation, Ruti had insisted on certain steps, possibly endangering her life, to protect her reproductive capacity as far as possible. She also stressed their struggle to finance the process, and the legal battle, including a petition to the Supreme Court, to secure the necessary Health Ministry authorization.

She also remarked that Dani had left his home to live with another

procreation. The present dispute arose from modern scientific and genetic developments, and presented new problems.

The parties, she said, had equal rights to the embryos, and there were three ways to resolve the present dispute at the stage prior to implantation. The first, adopted in the previous majority decision, was always to reject parentage. The second, now adopted by Justice Kedmi, was always to favor parentage. The third, adopted by Justice Tal and with which she agreed, was to strike a balance between the parties' conflicting rights. In weighing the particular circumstances of each case, the general principles such as the woman's rights over her own body and the man's right to privacy, were of course to be borne in mind.

She then considered the stage which the process had reached, noting that the right to parentage became stronger as the process advanced; Dani's agreement and encouragement of the operation, leading to her changing her situation for the worse by undergoing serious and painful treatment; and Ruti's last chance of parentage being destroyed by stopping the process, while Dani's situation remained unchanged.

She added the element of justice pointing out that Dani, who wanted to stop the process, had a daughter in another family he had established. She also noted that if the position were reversed, she would rule in favor of the man in the same circumstances.

In conclusion she commented that she agreed in the main with the judgment of Justice Goldberg.

JUSTICE GOLDBERG also agreed to the appeal being dismissed. Both parties, he said, enjoyed equal rights - of parentage, or refusal of parentage. There was no analogy with the right to terminate pregnancy, which involved the woman's rights over her own body.

The new 1996 Surrogacy Law (above) did not apply, nor could he find any guidance in its provisions, which he examined, to solve the present dispute.

Moreover, there was no recourse to the "Jewish Heritage" under the Foundations of Law Statute of 1980, since that Law related to a lacuna in the law while, in the present case, there was no lacuna. There was just one Law at all.

There was also no basis for finding that when the parties agreed to the fertilization process they jointly contemplated single parentage, or rejected it. The result was a normative vacuum, following technical-medical advances not yet penetrated by the law.

In his opinion, therefore, the present dispute was to be solved on the basis of a fundamental value in our law, that of justice.

That tenet was the very essence of Israeli law. It figured in section 1 of the Basic Law: The Dignity and Freedom of Man, of 1992, in section 15 of the Basic Law: Judiciary, of 1984, in defining the powers of the Supreme Court sitting as a High Court of Justice, and in numerous other Laws and regulations which he cited. It also figured in family law in section 9 of the Family Law Amendment (Maintenance) Law of 1959, empowering the court to relieve the obligation of maintenance on certain grounds.

A judge's decision based on justice, he said, was not a matter of caprice. He had to weigh all the circumstances and all the basic values recognized by law. Since his decision would inevitably hurt one of the parties, he had to choose the lesser of two evils.

This was Ruti's last chance of motherhood, and of bearing her husband's child. On the other hand, Dani would be forced to have a child he did not want, with all the emotional and material consequences. The possible financial burden could perhaps be mitigated by Ruti indemnifying him for any maintenance involved, but his emotional suffering could not be alleviated.

It was reasonable of Ruti, he held, to rely on Dani's original agreement to the fertilization process. Since they had both chosen that path, and in all the circumstances, it was just to conclude there was no turning back.

JUSTICE KEDMI concurred in dismissing the appeal.

Every person, he said, had the basic right to decide whether or not to be a parent, and that right prevailed over any agreement to the contrary. The rights of the man and woman were not equal, for the woman had complete rights over her own body, and could decide alone whether to continue or terminate pregnancy.

The question oov was the point of no return where both parties had agreed to in-vitro fertilization. It could be said that that point was reached when the embryos were implanted in the surrogate mother's womb.

In his view, however, the relevant stage was the completion of the fertilization. At that point a oew "being" was created. The parts played by both the man and the woman in the creative process were now inseparable, and only their joint decision could interrupt the process. He added that after the implantation of the embryos in the surrogate mother's womb, only she - having sole control of her own body - could change the situation.

An analogy, though not identical, he continued, could be drawn with a joint decision of two people to create a work of art requiring "burning" in an oven.

One party could renege from the agreement before the "burning", but could not do so after the process was completed. At that point the party who wanted the work to be preserved would prevail. (Continued next week).

If you can't keep from littering, take your garbage home

IN nature reserves and other places of natural beauty visitors who picnic are advised to take their garbage home with them for disposal. Unfortunately very few are willing to do this and the result is our sadly littered picnic sites, sea and lake shores and other places.

material goes from the hotels, restaurants etc. to a central depository to be turned into compost.

The reason for this is that the Maldives are a chain of islands that lie only a few meters, in some places only two meters, above sea level and with their own growing population they have simply run out of places to dispose of garbage.

There is only one landfill area available and even here only specifically non-toxic materials may be dumped. Material that cannot be used in the landfill area or turned into compost is sent by ship at great expense to places that are willing to accept it.

This arrangement can barely support

EARTHLY CONCERNS D'VORA BEN SHAUL

the disposal of the materials discarded by the residents of the islands and there is simply no way to handle the amounts of garbage produced by the 250,000 tourists that vacation there each year, even though tourism is the principal industry of the islands. Even though the Maldives government allows only recyclable packaged products to be imported and every effort is made to keep non-recyclable material to a minimum, the amounts involved are still stunningly large.

At first authorities in the Maldives were doubtful as to whether the plan would work but, as one official wrote in a letter to the environmental journal *Alternatives*, the plan worked out far better than expected.

He credits the fact that the bulk of their visitors are from Germany and Holland where recycling is far more advanced than in many other countries, and consequently people are more amenable to the idea. But it is not only the Maldives that are suffering from the disposal problems

engendered by tourism. The problem is widespread and many countries are finding that they are hard put to cope with the waste problems that inundate them each year.

HERE IN Israel both foreign and internal tourism are a problem, particularly in waterside areas. Shlomo Bahalul of the Kinneret Management says that the disposal of waste left by the thousands of visitors to the Kinneret creates a major problem. Each family that holds a cook-out on the shore of the lake leaves behind a large plastic bag of discarded materials.

"And it wouldn't be as bad if it really

was in a bag," he says. "All too often it's just dumped on the shore while the plastic plates and soft-drink tins are bobbing in the water and have to be fished out."

But most people who try to cope with the problem say that not only will it take a major educational campaign before Israelis agree to accept responsibility for their own waste products but the government too must be educated to the acceptance of more advanced ideas than the garbage dump where 95 percent of the country's garbage is buried.

For most Israelis even the idea of taking a bag of garbage home for disposal is still anathema.

Tomorrow LOTTO - minimum first prize

4,000,000

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Lottery no. 41/96

BUSINESS & FINANCE

Monday, October 7, 1996

FDA step closer to Copaxone OK

JENNIFER FRIEDLIN

TEVA Pharmaceutical Industries yesterday said the US Food and Drug Administration has accepted its advisory panels' recommendation to approve the firm's multiple sclerosis drug, Copaxone.

ing the product and completing the instructions for usage. Dan Soesskind, Teva's chief financial officer, said he expects Copaxone to be on the shelves early next year.

State revenue up 3% in first nine months

DAVID HARRIS

These latest statistics will come as relief to ministry officials, whose NIS7.6b. prediction for the total budget deficit this year was already surpassed in the first eight months (NIS 8.6b.).

Higher taxes levied on fuel and cigarettes brought in approximately NIS700 million, according to the Treasury.

BANK LEUMI LE-ISRAEL B.M.

Pursuant to the provisions of the Banking (Licensing) Law, 5741-1981, according to which Bank Leumi Le-Israel B.M. ("Bank Leumi") is required to reduce its surplus holdings in Africa Israel Investments Ltd. (the "Company"), a public company whose shares are traded on The Tel Aviv Stock Exchange, Bank Leumi intends to offer for sale in a single transaction off The Tel Aviv Stock Exchange its surplus holdings in the Company after the Spin-off of Leumi Insurance Holdings Ltd. ("Leumi Insurance") as explained below, together with the holdings of Messrs. Mordechai Zisser and Eitan Wertheimer (through trust companies) in the Company, i.e. a block of shares of the Company (the "Block of Shares"), representing some 46.58% of the issued share capital of the Company and some 54.2% of the voting rights in the Company.

Furthermore, offerors will be requested to provide Bank Leumi with a put option for additional shares in the Company held by Bank Leumi, so that Bank Leumi will not hold more than 20% after 31 December 1999.

Anyone interested in making an offer to purchase the Block of Shares in their entirety should give notice as provided in the Transaction Documents (defined below) by 28 October 1996 at 13:00 Israel time.

On 19 September 1996 at an Extraordinary General Meeting, the Company adopted a resolution to distribute the shares in Leumi Insurance held by the Company as a dividend in kind to shareholders in the Company (the "Spin-off"). The sale of the Block of Shares is conditional upon the carrying out of the Spin-off. The amount offered for the Block of Shares should consequently reflect the value of the Company without Leumi Insurance, inasmuch as the sale will only be carried out after completion of the Spin-off as aforesaid.

Additional information concerning, inter alia, the Block of Shares, the terms of the offer and the sale process, including the matter of granting to Bank Leumi the right to sell the remainder of its holdings in the Company, is provided in the Procedure Letter and agreement(s) for the sale of the Block of Shares (the "Transaction Documents"), which can be obtained from:

Kantor, Elhanani, Tal & Co., Law Offices, 76 Rothschild Blvd., Tel Aviv, Israel, tel.: 972-3-5662950, fax: 972-3-5662960; and/or

Bank Leumi c/o Sean C.V. Mullin, Executive Director, Morgan Stanley & Co. Ltd., 25 Cabot Square, Canary Wharf, London E14 4QA, England, tel.: (44) (171) 4255252 or (44) (171) 4255714, fax: (44) (171) 4255300.

Morgan Stanley & Co. Ltd. are acting as advisers to Bank Leumi only, in connection with the sale of the Block of Shares.

This notice does not constitute an offer to the public to purchase the Block of Shares. Bank Leumi expressly reserves the right, in its sole and absolute discretion, and without giving any reasons therefor, to conduct discussions with any person or any entity. Bank Leumi has no obligation to notify any applicants regarding such discussions and/or modifications to the terms or the procedure under which Bank Leumi chooses to sell the Block of Shares.

Interested parties should note that in light of the numerous applications received by Bank Leumi from potentially interested overseas parties, we hereby extend the final date for submission of offers to purchase the Block of Shares to 13:00 Israel time on 28 October 1996 (instead of 21 October 1996, which was the date fixed in the notice published by Bank Leumi on 1 October 1996).

However, nothing in the aforesaid shall extend the period of due diligence examination set in the Transaction Documents, i.e. the said period shall in any event end on 21 November 1996, and there shall be no extensions (due to the provisions of the Banking Law). Interested parties wishing to submit offers are requested to do their best to submit offers prior to the aforesaid final date, so as to enable them, should their offer be deemed suitable, to begin immediately the due diligence examination.

bank leumi בנק להמי

BUSINESS BRIEFS

Swiss-Israel Chamber to go ahead with opening another office: The Swiss-Israel Chamber of Commerce yesterday decided to go ahead with plans to open another representative office in Geneva, despite the political situation.

The chamber already manages an office in Geneva, Zurich and Tel Aviv. Attorney Eytan Liraz, chairman of the Israeli representation, said the decision was made after a series of intense discussions in light of the tense political situation.

The opening ceremony will take place November 4, in partnership with the Swiss office for Commercial Development. About 4,000 businessmen have been invited to attend the ceremony, including representatives of the giant ABB firm and Landis & Gyr, as well as government officials from Switzerland and Israel. Galit Lipkis Beck

Food sector suffers 35% growth in trade deficit: The food sector has suffered a 35 percent growth in its trade deficit in the first half of the year compared with the same period in 1995, the Manufacturers Association reported yesterday. Galit Lipkis Beck

Bank Leumi announces new benefits for students: With the start of the academic year, Bank Leumi announced it is improving its benefits to students. Among the benefits are NIS12,500 loans to cover for fees, at an interest of prime plus 0.5% (equivalent to 17.5%), and two-year loans, for any purpose, at prime interest plus 0.9%. Galit Lipkis Beck

D&B: Firms' late payments unchanged

THE percentage of companies making late payments, as measured by Dun and Bradstreet (D&B), was at 39 percent in the third quarter, the same as in the previous quarter.

A survey of sectors showed the contracting and construction field is the worst for timely repayment, with every second firm failing to make its payments on time to suppliers, according to D&B.

Other sectors making late payments include the wholesale trading field, where the percentage of companies falling behind on payments is about 40%.

The percentage of companies in the food sector falling behind in payments continued to increase in the third quarter - to 30% from 27% in the second quarter and 20% in the first quarter. Despite an improvement in the second quarter, textile firms' rate of timely repayment worsened in the third quarter to 20% from 17%.

D&B said high rates and uncertainty puts firms' ability and willingness to pay suppliers on time in doubt. Galit Lipkis Beck

Leumi extends deadline for Africa Israel bids

New final date for submitting bids is October 28

GALIT LIPKIS BECK

BANK Leumi has extended the deadline for submitting bids to purchase its holdings in Africa Israel by one week in reaction to requests by potential investors for more time to examine the investment company and the tender conditions, the bank said yesterday.

The new deadline is set for October 28. So far, about 25 investors have expressed interest in participating in the tender.

This number includes some foreign investors that did not take part in Leumi's previous invitation for its surplus holdings in Africa Israel, a source close to the bank said yesterday.

Five consortiums participated in Africa Israel's previous invitation. Leumi is offering for sale a block of shares representing 46.58% of Africa Israel's issued share capital and 54.2% of the voting rights, at a minimal value of \$330m.

This includes the holdings of Mordechai Zisser and Eitan Wertheimer.

The transaction will be conducted after the spin-off of Leumi Insurance Holdings from Africa Israel. After completion of the transaction, Leumi's hold-

ings in the company will drop to 25%, as required by the Banking Law.

According to the terms of the offer, potential investors will grant Leumi a put option to sell another 5% of Africa Israel's shares at the same price, during a two-year period.

This is in accordance with the Banking Law, which requires Leumi not to hold more than 20% of Africa Israel's shares after 1999.

Included in the transaction document is a clause which prohibits the company's new owners from appointing a general manager to the bank without prior consultation with Leumi.

In addition, the purchasers will not be able to make any changes to Africa Israel's constitution without notifying the bank. These conditions will be applicable until the end of 1999.

As a sign of seriousness in purchasing Africa Israel's shares, potential buyers will have to attach to their bid a bank guarantee for 10% of the amount of the bid.

Once the bids are submitted, investors will have until November 21 to perform a due diligence of the company.

Mutual Fund for Foreign Residents. Date: 3.10.96. Purchase Price: 151.94. Redemption Price: 149.70.

PRIME Mutual Fund for Foreign Residents. Date: 3.10.96. Purchase Price: 111.77. Redemption Price: 110.32.

ISRAELI MONEY MARKETS. Table with columns for Currency (deposit for), 3 MONTHS, 6 MONTHS, 12 MONTHS. Includes sub-table for Shekel Foreign Exchange Rates.

YOUR I.R.A. COULD BE WORTH MORE. If your American Individual Retirement Account (IRA) is currently in bank CDs, money markets, or other low-yielding investments, CommStock Trading can help you build a more growth-oriented portfolio.

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הקדמה לאדואר

Holon squeaks by Rishon in overtime

AREL Betser and Hapoel Holon provided the excitement of Week 5 last night, when they gave the city of Holon one of its most exciting victories in recent memory by defeating Rishon in overtime.

The game featured numerous lead-changes, critical tactical decisions, and an abundance of tension. Rishon had a chance to win the game in regulation, when it held a 79-77 lead with possession.

The extra session featured Eli Baloul at his best, as he scored all seven of Rishon's points. It was not enough though, as Betser displayed experience beyond his years, by following his game-saving end-of-regulation shot with a solid effort over the next five minutes.

The pressure-filled game reached its climax when Dotan calmly sank both free-throws, providing the winning margin. The game really hit its stride when Holon unleashed a 19-7 run to take a 70-67 lead with 7:37 remaining in regulation.

With his lead suddenly gone, Busani decided to play both of his point guards, Tomer Karni and Nikolic at the same time. The strategy, which necessitated taking Doron Jamchec out of the game, coincided with a 6-0 run, which returned the short-lived lead to Rishon, 79-77.

Alomar apology accepted

CLEVELAND (Reuter) - Umpire John Hirschbeck said he forgives Roberto Alomar for spitting in his face and asked "everyone who loves baseball" to join the two men "in reconciling our differences."

SCOREBOARD

NFL - Early results yesterday: Detroit 28, Atlanta 24, Minnesota 14, Carolina 12, Green Bay 37, Chicago 6, New England 46, Baltimore 38, Oakland 34, New York Jets 13, Seattle 22, Miami 15.

Soccer - Yesterday's World Cup qualifying results: Group 3, Finland 2, Switzerland 3; Group 6, Faeroe Islands 1, Yugoslavia 8.

NHL - Saturday's NHL results: NY Rangers 4, Boston 4; Hartford 1, Phoenix 0; Tampa Bay 4, Pittsburgh 3; Florida 3, Philadelphia 1; Chicago 5, Washington 2; New Jersey 3, Detroit 1; Toronto 4, Anaheim 1; Ottawa 3, Montreal 3; Dallas 4, Colorado 1; Vancouver 3, Calgary 1; NY Islanders 2, San Jose 2.

Braves, Cards sweep, reach NLCS

ATLANTA - The Atlanta Braves' Big Three sent the Los Angeles Dodgers home in three straight. Tom Glavine completed a virtuoso performance by Atlanta's pitching and the Braves knocked out Hideo Nomo in the fourth inning, advancing to their fifth straight NL championship series.

The Dodgers, swept in the best-of-5 divisional series for the second consecutive year, finished off a late-season meltdown with a feeble effort against the Braves' formidable staff.

Glavine followed in the footsteps of fellow Cy Young winner Greg Maddux and soon-to-be winner John Smoltz, shutting down a Dodger team that had only 14 hits in the series. If pitching is a major factor in the postseason, then Atlanta is a solid favorite to defend its World Series championship.

The Cardinals 7, Padres 5. The spirit of 1984 was hardly enough for the San Diego Padres to overcome the St. Louis Cardinals of 1996.

Brian Jordan hit a two-run homer in the ninth inning and the visiting Cardinals made sure there would be no repeat of San Diego's stirring playoff rally of 12 years ago, winning 7-5 Saturday night to sweep the NL divisional series in three games.



HERE WE GO AGAIN - Brave players congratulate each other in the dugout after beating Los Angeles.

fulle jump at the ball. The NL Central champion Cardinals, in the playoffs for the first time in nine seasons, will face the defending World Series champion Atlanta Braves in the NL championship series starting Wednesday night at Atlanta.

AMERICAN LEAGUE Orioles 4, Indians 3 Roberto Alomar, strongly castigated for spitting on an umpire last week, hit a home run in the 12th inning to lift the visiting Baltimore Orioles to the League Championship Series.

Los Angeles 000 000 110 - 2 8 1 Atlanta 100 400 00x - 5 7 0 Nomo, Guthrie (4), Canclini (5), Ruzinsky (7), Cozza (8), Dreifort (9) and Glavine, Mulholland (7), Bielecki (7), Wohlers (8) and J.Lopez, W - Glavine, 1-0, L - Nomo, 0-1, Sv - Wohlers (3), HR - Atlanta, Cp.Jones (1).

Baltimore 020 000 001 007 - 4 14 1 Cleveland 000 210 000 000 - 3 7 1 D.Wells, TeMathews (8), Crocco (8), Bortz (10), P.Meyer (5), J.Polles, Perant (8), Nagy, Embree (7), Struy (7), Assenmacher (7), Plunk (8), Mesa (9), Ogas (12) and Alomar, W - Bortz, 2-0, Mesa, 0-1, Sv - Bortz (1), Baltimore, R.Alomar (1), R.Palmeiro (1), Bonilla (2).

Israel begins final preparations for Russia

THE national team began the last phase of its preparations for Wednesday's World Cup qualifier against Russia with a full 20-man squad at the disposal of coach Shlomo Scharf.

Kirsten century lifts South Africa to four-nation win

NAIROBI (Reuter) - An unbeaten century by opener Gary Kirsten steered South Africa to a comfortable seven-wicket victory over Pakistan in the final of the Kenyan centenary four-nation one-day tournament yesterday.

Israel's handball squad beats Belarus by a point

THE national handball team scored a sensational single-point win last night over Belarus in the preliminary rounds of the World Championships at Hadar Yosef.

AP's top 25 college football teams

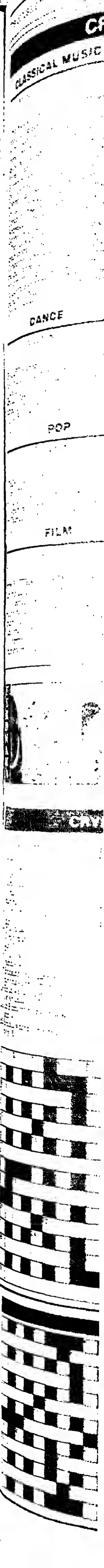
How the top 25 teams in AP's college football poll fared this week. No. 1 Florida (5-0) beat Arkansas 42-7. Next vs. No. 14 LSU, Saturday.

ISRAELI NATIONAL BASKETBALL LEAGUE

Table with 5 columns: Team, W, L, Pts. Hapoel Jerusalem 5, 0, 10; Hapoel Galil Elyon 4, 1, 9; Hapoel Holon 3, 2, 8; Maccabi Rishon 2, 3, 7; Givat Shmuel 2, 3, 7; Maccabi Tel Aviv 2, 3, 7; Hapoel Eilat 2, 3, 7; Maccabi Ramat Gan 2, 3, 7; Maccabi Ra'anana 1, 4, 6; Hapoel Tel Aviv 1, 4, 6; Hapoel Safed 1, 4, 6; Bnei Herzliya 0, 5, 5; Herzliya has been deducted 1 point.

CLASSIFIEDS

Real estate and services classifieds including: GREAT OPPORTUNITY, WOLFSON, 11th floor, view of Knesset; SAVION, LARGE VILLA, very luxurious; SITUATIONS VACANT; HOUSEHOLD HELP; DWELLINGS; SALES; WHERE TO STAY; HOLIDAY RENTALS; HOUSEHOLD HELP; SERVICES; PHONE RENTAL; UNRESTRICTED; RESPONSIBLE PERSON sought for part-time work with classified advertisements at THE JERUSALEM POST.



WHAT'S ON

CRITIC'S CHOICE

CLASSICAL MUSIC

MICHAEL AJZENSTADT
THE Ra'anana Symphonette Orchestra opens its season tonight with an all-Mendelssohn program...



DANCE

HELEN KAYE
BALLET wunderkind Julio Bocca and his Ballet Argentino perform Don Quixote, Intercalated Symphony and the sensual Tango...

POP

HELEN KAYE
GREEK singing superstar George Delareas is back for his fifth visit since 1987. He'll be singing all the old favorites and some new songs...

FILM

ADINA HOFFMAN
*** BUTTERFLY KISS - With her pinched rasp, hunted gaze and the long, low stride of a gawky teenage boy, Amanda Plummer's screen presence has always been bizarre...

Miriam Fried plays Mendelssohn's violin concerto with the Ra'anana Symphonette Orchestra.

tattoos under her blouse, as well as navel and nipple piercings and a crisscrossed set of full-body padlocks and bike chains. Written by Frank Cottrell Boyce, the movie is unquestionably raw, but it's also a work of real honesty and unexpected pathos...

*** HEAVEN'S PRISONERS - In Phil Joanou's moody thriller, Alec Baldwin plays a former New Orleans cop who finds himself back in action when he and his long-legged, sympathetic wife (Kelly Lynch) witness the crash of a plane in the bayou near their home...

TELEVISION

CHANNEL 1

6:31 News in Arabic; 6:45 Exercise Hour; 7:00 Good Morning, Israel...

CHANNEL 2

15:30 Zap to 1; 15:32 Video Force; 15:50 The Adventures of Dodo; 16:00 Yaldukas...

CHANNEL 3

18:00 Animated film; 18:30 Things Which Can't Be Sold; 17:15 Panorama; 18:00 Amores...

CHANNEL 4

8:00 Sisters; 9:00 One Life to Live; 10:30 Days of Our Lives; 11:20 Perla Negra...

MIDDLE EAST TV

7:00 Quantum Shopping; 8:00 TV Shop; 14:30 The 700 Club; 15:00 Larry King...

CABLE

TV 3 (33)

18:00 Animated film; 18:30 Things Which Can't Be Sold; 17:15 Panorama; 18:00 Amores...

ETV 2 (2)

15:30 Butterfly Island; 16:30 On the Cutting Edge of Science; 17:00 Living in the Red Sea...

FAMILY CHANNEL (3)

8:00 Sisters; 9:00 One Life to Live; 10:30 Days of Our Lives; 11:20 Perla Negra...

MOVIE CHANNEL (4)

11:30 Marilyn and Me (1991) - the story of Marilyn Monroe, as told by a man who claims to have married her for five days...

WHERE TO GO

Notices in this feature are charged at NIS28.08 per line, including VAT. Insertion every 4th day of the month costs NIS520.55 per line, including VAT, per month.

JERUSALEM

HEBREW UNIVERSITY. Tours of the Mount Scopus campus, in English, daily Sun-Thurs, 11 a.m. from Bronfman Reception Centre...

TEL AVIV

MUSEUMS. TEL AVIV MUSEUM. Susan and Anton Roland-Rosenberg Collection; 24 masterpieces by modern artists...

HAIFA

WHAT'S ON IN HAIFA, dial 04-374253.

GENERAL ASSISTANCE

EMERGENCY PHARMACIES. Jerusalem: Amnon, 8 Leb Yaffo, 673-1901; Baisam, Salah a-Din, 627-2915...

DUTY HOSPITALS

Jerusalem: Hadassah, Ein Kerem (internal, surgery, orthopedics, ENT); Misgav Ladach (obstetrics); Bikur Holim (pediatrics); Sheara Zedek (ophthalmology)...

POLICE

FIRST AID. Magen David Adom. In emergencies dial 101 (Hebrew) or 911 (English) in most parts of the country...

HAIFA

HAIFA CAFE AMAMI = 8325755 Cold Comfort Farm 9:15 + Antonio's Line 7:15 ATZMON Twister/Nutty...

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TEL AVIV MUSEUM. Susan and Anton Roland-Rosenberg Collection; 24 masterpieces by modern artists...

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HAIFA CAFE AMAMI = 8325755 Cold Comfort Farm 9:15 + Antonio's Line 7:15 ATZMON Twister/Nutty...

TEL AVIV

TEL AVIV MUSEUM. Susan and Anton Roland-Rosenberg Collection; 24 masterpieces by modern artists...

CINEMA

JERUSALEM

CINEMATHEQUE Kansas City 4:30 + Striptease 7:15, 9:45 + It Takes Two/Swan Princess 11:30 a.m., 5 + Two Bit 7:30, 10 ASHDO...

TEL AVIV

CINEMATHEQUE Un Eto A La Goutte 5, 7:45, 9:45 + Outrageous Fortune 8:30 + Amorosa 9:30 G.G. Gil Jerusalem Mall (Majha) = 788448...

HAIFA

STAR The Cable Guy 7:30, 10 + Striptease 7:15, 9:45 + It Takes Two/Swan Princess 11:30 a.m., 5 + Two Bit 7:30, 10 ASHDO...

TEL AVIV

CINEMATHEQUE Un Eto A La Goutte 5, 7:45, 9:45 + Outrageous Fortune 8:30 + Amorosa 9:30 G.G. Gil Jerusalem Mall (Majha) = 788448...

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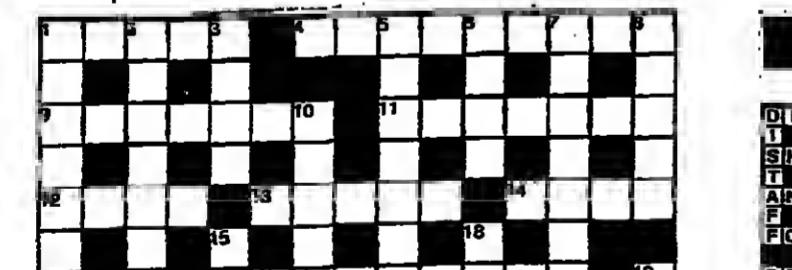
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CRYPTIC CROSSWORD

ACROSS
1 Dance one time and go away (3,2)
4 Journalism involves clerical duties (9)
9 A master with vigour is miraculous (7)
11 I've reverted to depression; that's obvious (7)
12 What makes snow melt? (4)
13 Stop demanding a dollar in tax! (5)
14 Youth with a yen to be female (4)
17 Banking establishment is moving elsewhere (8-5)
19 Snubbed the decorator to sever links (3,3,7)
21 In Suzanna planters drank gin (4)
22 Small wagon for a country boy (5)

DOWN
1 Hospital treated a teacher in agony (9)
2 A tough head in a position to be conciliatory (7)
3 Spruce used for decoration (4)
5 Insist on taking newspapers to the tip (5,3,5)



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QUICK CROSSWORD

ACROSS
7 Sitting-room (6)
8 Confectionery (6)
10 Alleviate (7)
11 Clearly expressed (5)
12 Due (4)
13 Fastener (5)
17 Resources (5)
18 Clarified butter (4)
22 On a par (5)
23 Amended (7)
24 Jewish law (6)
25 Planet (6)

DOWN
1 Old trumpet (7)
2 Dutch currency unit (7)
3 Concur (5)
4 Blatant (7)
5 Mohammed's birthplace (5)
6 Confidential remark (5)
9 Hired soldier (9)
14 Pervert (7)
15 Minotaur's slayer (8)
16 Title (7)
19 Big and strong (5)
20 Narrow channel (5)
21 Birdlike (5)

Washington... Eisenberg... Open... ball square... by a point... FOOTBALL... PERSON...

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Knesset's winter session opens today

LIAT COLLINS

KNESSET Speaker Dan Tichon will meet this morning with the heads of all factions to ask them to ensure restraint and fair discussion during Prime Minister Benjamin Netanyahu's political address which opens the Knesset's winter session today.

Tichon described the atmosphere as tense, and said he expects the strong disagreements of the last two months to be expressed in a stormy session. But he warned that he would not allow MKs to get away with unruly behavior, even if it meant he had to bar an MK from speaking.

Netanyahu is scheduled to address the plenum at 4 p.m. in the presence of President Ezer Weizman.

If the opposition goes ahead with its threat to turn the address into a no-confidence motion, the vote will be held next Monday.

Tichon told parliamentary reporters he had not yet received a request for the motion.

The committees also get back to regular work today. The House Committee will discuss the request by Attorney-General Michael Ben-Yair to lift the immunity of MK Ehad Olmert to face corruption charges.

Parliamentary immunity is likely to be a major issue this Knesset,

with more MKs than ever before facing charges, Tichon said. The Knesset will hold special sessions to commemorate 40 years since the Sinai Campaign; the death of Moshe Dayan; and, of course, the first anniversary of the assassination of Yitzhak Rabin.

Among the guests expected in the coming months is South African leader Nelson Mandela. The session is also likely to be marked by the annual budget discussions, which start at the end of this month.

Under a newly-implemented law, if the budget does not pass within three months of the new financial year, it is seen as a no-confidence measure and the Knesset must dissolve for general elections.

The Knesset has invested NIS 6 million in maintenance and improvements to its own facilities during the vacation. The improvements include new kitchens, an enlarged meat canteen, better elevators, more parking, and a general clean-up campaign.

MKS will also be better paid than in the past. With the implementation of the recommendations of the Rozen-Zvi Report, MKs got a 33 percent wage hike at the beginning of the month, although there are stricter restrictions on moonlighting.



Dutch Defense Minister Dr. J.J.C. Voorhoeve (center) is received yesterday at the Defense Ministry in Tel Aviv by Chief of General Staff Lt-Gen. Amnon Lipkin-Shahak (far right), Defense Minister Yitzhak Mordochai, and Defense Ministry Director-General David Ivry.

Belzer Rebbe blasts PM, government

HAIM SHAPIRO

THE rebbe of Belz, Rabbi Yisachar Dov Rokach, has issued a blistering condemnation of Prime Minister Benjamin Netanyahu and his government, which he said had made mistakes which led to bloodshed.

The rebbe was speaking on Saturday night in a traditional talk given at the end of Simhat Torah, at which he speaks of the events of the day. During the past three months, he told his followers, the government had shown considerable ineptitude, as a result of its inexperience.

Warning against a tendency toward greater militancy on the part of the haredi public, he said the command to live by the sword was a blessing which had been granted to the descendants of Esau, and not the sons of Israel. He warned of the danger in which Israel found itself as a result of the government's action and the fact that the state had become isolated.

Yisrael Eichler, a spokesman for the Belz Hassidim, noted that although Rokach is a member of the Degel Hatorah Council of Sages, he has always taken an independent line and he is considered one of the most dovish of haredi spiritual leaders. In the past, Rokach had supported the peace process and the Oslo accords.

Eichler noted that Rokach's views are in keeping with the traditional haredi injunction not to provoke the gentiles.

Hizbullah attacks SLA, IDF positions

DAVID RUDGE

FIGHTING in the security zone continued yesterday, with two separate attacks on South Lebanese Army positions.

In one of the incidents, a number of mortar rounds and anti-tank missiles scored direct hits on an SLA outpost, causing damage but no casualties.

The fighting began early in the morning when gunmen, believed to be from Hizbullah, opened fire with light weapons on an SLA position in the eastern sector. There were no casualties among the SLA troops, and IDF gunners returned fire.

In the afternoon, the focus switched to the western sector with a heavy barrage against an SLA post in the Bint J'bil region.

Reports from Lebanon said the fortified position was hit by mortars and Sagger anti-tank missiles. There were no casualties, however, and IDF gunners returned fire. Hizbullah claimed responsibility for the attack and screened footage on its Mamar television station, claim-

ing that they hit an ammunition dump on the outskirts of the post. Hizbullah and Amal have both intensified their operations against the security zone since the end of the Lebanese elections last month. Most of the attacks have been directed against SLA strongholds, with the occasional long-range shooting at IDF positions.

The IDF and SLA have responded by pinpoint retaliation at the sources of fire, as well as with air raids against specific terrorist targets north of the zone.

According to reports from Lebanon, all the sides are adhering, as much as possible, to the Operation Grapes of Wrath understandings. Nevertheless, the atmosphere in the region remains very tense, especially in light of the Syrian army movements from Beirut and along the Beirut-Damascus highway to positions in the Bekaa Valley on the Lebanese-Syrian border and close to the foothills of Mt. Hermon.

Private eye sentenced for selling classified data

RAINE MARCUS

A PRIVATE investigator, convicted of obtaining classified information from government bodies, was sentenced to 15 months in prison by Tel Aviv Magistrate's Court yesterday. A year of the sentence was suspended, and three months were commuted to community service.

Yitzhak Dayan was first indicted two years ago, and initially asked the District Attorney's Office to cancel charges since the indictment was filed several years after the offenses were committed.

The court heard that Dayan would phone up the various bodies, and simply by representing himself as an employee of another

organization, depending on the material he wished to obtain, would ask for the relevant information. Then he would transfer the data to clients who paid him large amounts of money in return for the information.

Judge Zecharia Caspi also heard that although Dayan worked as a private investigator, he was not actually qualified to be one.

For years, private investigators have had access to classified information, and there have been several cases disclosed in which they paid employees of banks, customs and VAT, income tax, etc. for information on people's financial and other situations.

Report: Pollard may be freed after US election

MARILYN HENRY

JONATHAN Pollard could be freed after the US election under a plan "identified" by Prime Minister Benjamin Netanyahu and US Vice President Al Gore, according to an unattributed story in the New York Jewish Week.

The Clinton administration would seek a new recommendation from the Justice Department and intelligence agencies, the weekly paper reported, suggesting that the recommendation would be favorable.

Those agencies previously have argued vigorously against commuting Pollard's life sentence. As recently as July, the Justice Department said Pollard's sentence was warranted.

Pollard, a Navy intelligence analyst, has served a decade of a life sentence for spying for Israel.

The White House denied Pollard clemency in July. In announcing the decision, White House spokesman Mike McCurry said President Bill Clinton "agreed with Attorney

General [Janet] Reno's judgment that the enormity of Mr. Pollard's offenses, his lack of remorse, the damage done to our national security, and the need for general deterrence and the continuing threat to national security that he posed made the original life sentence imposed by the court warranted."

Further, McCurry noted that Pollard has not applied for parole, an alternative possibility for gaining his freedom.

Pollard's chances of release also appeared to have been dimmed by the arrest last month of another oval intelligence analyst, Robert Chaegoo Kim, who is accused of passing secrets to South Korea.

There has been speculation about the damage allegedly done by both Kim and Pollard, with one administration official telling the Associated Press that what Kim was said to have done "was not an enormous breach," nothing to the extent of the spying done by Pollard.

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WEATHER. Map of Israel showing weather forecasts for various regions: Haifa (19-27), Beer Sheva (17-29), Jerusalem (15-28), Tel Aviv (18-28), Dead Sea (24-35), Eilat (23-35). Forecast: Partly cloudy to clear. Drop in temperatures.

AROUND THE WORLD. Table with columns: City, Low, High, Cloud. Cities include Amsterdam, Berlin, Buenos Aires, Cairo, Chicago, Copenhagen, Frankfurt, Geneva, Helsinki, Hong Kong, Jakarta, London, Los Angeles, Madrid, Moscow, New York, Paris, Rome, Stockholm, Sydney, Taipei, Toronto, Vienna, Zurich.

Winning cards. To yesterday's daily Chance drawing, the winning cards were the eight of spades, the jack of hearts, the queen of diamonds and the queens of clubs.

HEARTFELT APPEAL. Dear Jews, Merciful One, Sons of Merciful Ones. We appeal for your help on behalf of the family of a Torah scholar which has fallen into a situation of terrible poverty and destitution. Give generously and with a willing heart, in order to relieve them of their straits and to fill their home with the joy of the festival and the light of hope. By virtue of your charity, may G-d fulfill all your wishes in the best way, and may you enjoy a good year that will carry with it all blessing. The Committee to Save the Family. Contributions may be sent to: Hava'ad Lehatzalat Hamishpaha, P.O.B. 61025, Jerusalem 91060. Rabbi Avigdor Neuvzal, Rabbi of the Old City of Jerusalem, 9 Babel Mishash, Jerusalem. Rabbi Yaakov Ariel, Chief Rabbi of Ramat Gan, 47 Herzl Street, Ramat Gan. Rabbi Moshe Yosef Miltzki, Rabbinic Court Head in Jerusalem 21 Zefarah, Jerusalem. Or deposit your contribution directly in one of the following bank accounts: Bank Mizrahi, Hazon Iah St. Branch, Biral Barak, Account No. 497342. Postal Bank, Account No. 8213893. Please mark for: 'Family of a Torah Scholar that Cries Out for Bread'. For questions, call Rabbant Leibovitz, tel. 02-5001632.

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